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SUMMARY

Proof of citizenship required to vote

- Requires that, when a person registers to vote or updates the person's registration, the election officials must verify the person's U.S. citizenship before the person may vote and have the person's ballot counted.
- Lists the documents that qualify as documentary proof of citizenship (DPOC), which include an Ohio driver's license or state ID card (Ohio DL/ID) number if the Secretary of State (SOS) can use it to verify the elector's citizenship using Bureau of Motor Vehicles (BMV) records.
- Modifies the current law process for the SOS to review the Statewide Voter Registration Database (SWVRD) to identify apparent non-U.S. citizens.
- Requires the SOS to conduct certain searches of the BMV database and the federal Systematic Alien Verification for Entitlements (SAVE) database on a monthly basis, and daily during the 46 days before an election.
- Requires the board to send each person identified as an apparent noncitizen a confirmation notice and to require the person to cast a provisional ballot.
- Requires the SOS to cancel the person's registration and refer the person to the Attorney General for investigation and possible prosecution if the person does not respond to two notices within 28 days.
- Specifies a new procedure for an election official to challenge an in-person voter on the ground that the person is not a U.S. citizen.
- Requires the person to cast a provisional ballot unless the person can produce DPOC, other than an Ohio DL/ID number.

Processing voter registrations and updates

- Requires a newly registered or updated elector to cast a provisional ballot until the elector's citizenship is verified using BMV records or other DPOC submitted by the elector.
- Clarifies that the board of elections must send an applicant a notice if the applicant's voter registration or update form is incomplete.
- Requires the board to refer the matter to the county prosecutor if it determines that the applicant appears not to be eligible to vote.
- Requires the election officials, when an elector moves from one county to another within Ohio and updates the elector's registration, to transfer the elector's registration and carry over the elector's voting history and other information, instead of canceling the old registration and creating a new one.
- Eliminates a requirement that an elector sign a separate authorization in order to have the elector's previous registration transferred or canceled.
- Adds language to the applicant's affirmation on Ohio's voter registration forms, stating that "I understand that if I am registered to vote at any other address, the election officials will be notified of my change of address."
- Requires the form to include an optional field where the applicant can provide one or more former residence addresses, if the applicant is currently registered to vote at another address.
- Adds references in law to language that is required to be included on each state's voter registration forms under the National Voter Registration Act of 1993 (NVRA).

Voter roll maintenance

- Requires the SOS to compare the information in the SWVRD against the databases of the BMV and the U.S. Social Security Administration (SSA) to identify each voter registration record that appears to have a missing or incorrect Ohio DL/ID number or Social Security number (SSN-4), or that has an outdated residence address.
- Requires the board of elections to send each elector identified under that process a confirmation notice and require the elector to cast a provisional ballot.

Provisional voting

- Adds several new categories of electors to those who must cast a provisional ballot, as mentioned above.
- Requires an elector who has moved or had a change of name without updating the elector's registration, but has remained within the same precinct, to cast a provisional ballot so that the election officials can verify the elector's citizenship.
- Eliminates a current procedure that allows an elector who would be required to vote provisionally because the elector has moved or changed the elector's name, but who

cannot vote in person because of a disability or confinement, to cast a special type of absentee ballot by mail.

- Requires that, for any elector whose registration is marked to indicate the elector must cast a provisional ballot, the SWVRD website's entry must include that fact, the reason the elector must vote provisionally, and the information the elector must provide to the board to become eligible to cast a regular ballot.
- Allows an elector who is sent a confirmation notice under the bill because of a question of U.S. citizenship or a BMV or SSA record mismatch to cast a regular ballot if the elector provides DPOC or corrected information, as applicable, before the elector next votes.
- Requires an elector who must cast a provisional ballot because of a question of U.S. citizenship or a BMV or SSA record mismatch to provide the needed information when casting a provisional ballot or by the fourth day after Election Day in order to have the ballot counted.
- Requires the elector's registration to be canceled if the provisional ballot is not counted because the elector fails to provide ID or is determined to be ineligible to vote.
- Allows an elector who currently would be eligible to have a bipartisan team of election officials personally deliver an absentee ballot to the elector because of a disability or confinement to cast a provisional ballot in the same manner, as long as the elector is located in the elector's county of residence.
- Permits a uniformed services or overseas absent voter (UOCAVA voter) to cast a provisional ballot by mail.
- Allows a UOCAVA voter who otherwise would be required to vote provisionally still to vote for federal offices by submitting a federal write-in absentee ballot.

Absent voting

- Prohibits any board of elections from providing an unattended drop box for returning voted absentee ballots in person.
- Requires any absent voter's ballot returned by personal delivery to be hand-delivered to the election officials either inside the office of the board or at a designated location on, or adjacent to, the property, such as a staffed drop-off in the parking lot.
- Requires a person who personally delivers another person's ballot to the board to complete a delivery attestation form.
- Allows an absent voter who requires assistance to vote because of a disability to have a nonrelative deliver the person's ballot to the board.
- Requires the board to include a U.S. Postal Service (USPS) Intelligent Mail barcode on each absentee ballot return envelope to allow the board to determine when the USPS processes it for mailing back to the board.

- Allows a ballot that has a late or illegible postmark, no postmark, or a postmark from a postage evidencing system still to be counted if the Intelligent Mail barcode indicates that it was submitted to the USPS for mailing by the deadline.
- Clarifies that absentee and provisional ballots cast in person at the office of the board are to be processed in the same manner as ballots cast on Election Day.

Election petitions

- Makes several changes to the law governing election petitions.
- Requires that a person who signs an election petition be registered to vote at the address shown on the petition as of the date of signing, instead of as of the date the petition is filed with the election officials.
- Requires the committee representing the proponents of a petition to designate an agent upon whom notice of all matters or proceedings pertaining to the petition may be served, instead of requiring notice to be served on each committee member.
- Requires the committee to designate in writing the names and addresses of one or more members or agents of the committee who consent to testify on the committee's behalf.
- Requires the committee representing a statewide initiative or referendum petition to file a statement with the SOS before circulating the petition and before receiving a contribution or making an expenditure and to keep the information updated with the SOS.
- Requires a petition circulator to sign a statement consenting to Ohio's jurisdiction as part of each part-petition.
- Clarifies that the circulator of a part-petition must *personally* indicate the number of signatures the part-petition contains.
- Requires (1) any person who will compensate a person for supervising, managing, or otherwise organizing a signature collection effort for any petition and (2) the person who is compensated for doing so, each to file a statement to that effect with the SOS.
- Requires a person who is compensated for circulating any petition to wear a badge that identifies the person as a paid circulator.
- Requires a person who is compensated to circulate any election petition, instead of only a statewide petition, to provide the name and address of the person compensating the circulator on each part-petition.
- Specifies certain factors that invalidate a part-petition, including any failure to comply with the requirements described above.
- Creates a mechanism for the SOS or a board of elections to enforce a subpoena it issues in the course of a challenge to a petition if the subpoenaed person fails to fully comply.

- Specifies that a petition or part-petition that is signed by one or more electors before the bill takes effect is not invalid on the ground that it does not meet the bill's requirements, so long as the petition or part-petition meets the requirements of the previous law.

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DETAILED ANALYSIS

Proof of citizenship required to vote

The bill requires that, when a person registers to vote or updates the person's registration, the election officials must verify the person's U.S. citizenship before the person may vote and have the person's ballot counted. An elector who is registered before the bill takes effect is not subject to this requirement until the elector submits a change of name or address, unless the elector's registration is flagged or otherwise challenged on the basis that the elector is *not* a U.S. citizen, as described below.

Currently, a person must attest on the registration or update form under penalty of election falsification that the person is a U.S. citizen, but the person is not required to provide documentary proof of citizenship (DPOC), and the election officials are not required to verify the person's citizenship before allowing the person to vote.

Under the bill, when a person submits a valid voter registration or update form, the board of elections must register the person as under current law. But, unless the Statewide Voter Registration Database (SWVRD) indicates that the person's citizenship has previously been verified, the board must mark the person's registration to indicate that the person is required to cast a provisional ballot and provide DPOC to have the ballot counted. In other words, the bill

does not require DPOC to register to vote, but an elector's citizenship must be verified before the elector's votes can be counted.

The bill primarily relies on Bureau of Motor Vehicles (BMV) records to verify electors' U.S. citizenship. The BMV currently has each Ohio driver's license or state ID card (Ohio DL/ID) holder's citizenship or immigration status in its database because proof of legal presence in the U.S. is required to receive an Ohio DL/ID. As long as the customer renews an Ohio DL/ID within six months after it expires, the customer generally is not required to present that documentation to the BMV again. But, a non-U.S. citizen must present valid immigration documents with each renewal. An Ohio DL/ID issued to a non-U.S. citizen on or after April 7, 2023, has "noncitizen" printed on the back.¹

Under the bill, the Secretary of State (SOS) must check the SWVRD against BMV records on at least a monthly basis, and every day during the 46 days before an election, to attempt to verify newly registered or updated electors' citizenship status. Once the SOS verifies that an elector is a citizen based on BMV records, the elector is eligible to cast a regular ballot. If the SOS cannot verify the elector's citizenship (generally, if the elector does not have a BMV record), the board must send the elector a confirmation notice informing the elector of the issue, and the elector must either (1) provide DPOC to the board of elections before the next time the elector votes, or (2) cast a provisional ballot and provide DPOC in order to have the ballot counted. (See below for more details on this process and other related changes.) Once an elector's citizenship has been verified, that fact must be noted in the SWVRD, and the elector is not required to submit DPOC again in the future.²

The bill changes Ohio's voter registration and absent voting forms to express a preference that if a voter has an Ohio DL/ID, the voter provide the voter's Ohio DL/ID number instead of the last four digits of the voter's Social Security number (SSN-4) or, in the case of absent voting, a copy of a photo ID. However, under continuing law, any of those types of ID are acceptable to process the forms. This change is designed to increase the chance that an elector's citizenship can be verified using BMV records instead of requiring the elector to take additional action.³

Forms of DPOC

Under the bill, "proof of citizenship" means evidence that a person is a U.S. citizen, in the form of one of the following:

¹ R.C. 4506.11(A)(13), 4507.13(A)(2)(j), 4507.233, 4507.49(B), 4507.51, and 4507.52(A)(2), not in the bill. See also Ohio Administrative Code 4501:1-1-21 and 37.

² R.C. 3503.01, 3503.14, and 3503.15. See also 52 United States Code (U.S.C.) 20301, 20302, 20303, 20505, and 20508; U.S. Election Assistance Commission, [National Mail Voter Registration Form](https://eac.gov), available at eac.gov under "Voting"; and Federal Voting Assistance Program, [Election Forms and Materials](https://fvap.gov), available at fvap.gov.

³ R.C. 3503.14, 3505.182, 3509.03, 3509.04, 3511.02, 3511.05, and 3511.052.

- The number of the person's current or expired 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;
- The person's current or expired 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 or expired driver's license or nondriver ID card issued by another U.S. state, or a copy of the front and back, if the issuing agency indicates on the card that the person is a U.S. citizen;
- The person's current or expired 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'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.

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.⁴

Review of voter rolls for noncitizens

The bill modifies the current law process for the SOS to review the SWVRD to identify apparent non-U.S. citizens. This review is in addition to the process described above to verify the citizenship of newly registered or updated electors. The review for noncitizens is designed to identify any person who is indicated in available records as being *not* a U.S. citizen, as opposed to simply not appearing in the records.

Under the bill, the SOS must conduct two searches for apparent noncitizens on a monthly basis, and daily during the 46 days before an election:

- A comparison of 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.
- A comparison of the SWVRD with the BMV database to identify any person who, on the person's most recent interaction with the BMV, submitted noncitizen documentation. The SOS then must consult the federal Systematic Alien Verification for Entitlements (SAVE) database to determine whether SAVE also indicates that the person is a noncitizen.

⁴ R.C. 3501.01(E) and 3503.13.

The SOS must send a report to each board of elections of the persons residing in the county who have been identified as potential noncitizens. The board must mark each person's record as being required to cast a provisional ballot and must send the person a confirmation notice indicating that the person must provide DPOC to the board. If the person does not provide DPOC or cancel the person's registration within 14 days, the board must send a second notice. If the person still does not take one of those actions within 14 days after being sent a second notice, the bill requires the SOS to cancel the person's registration, notify the person and the board, and refer the matter to the Attorney General for further investigation and possible prosecution.

Existing law requires the SOS to perform the first listed search on an annual basis, and not during the 90 days before any federal election. (See **"Legal issues related to proof of citizenship and voting,"** below.) The Revised Code does not currently require the SOS to use SAVE, but the SOS currently implements a similar SAVE process to the one prescribed by the bill. The U.S. Department of Homeland Security operates SAVE, primarily to allow agencies that administer benefits to confirm whether lawful immigrant applicants are eligible for the benefits, based on their specific status. The database includes lawfully present immigrants, but not natural-born U.S. citizens or persons who are unlawfully present in the U.S.

Under current 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.⁵

Challenge at polls based on citizenship

The bill requires that, if an election official challenges an in-person voter on the ground that the person is not a U.S. citizen, the official must ask the person, "Are you a citizen of the United States?" and must ask the person to provide DPOC. An Ohio DL/ID number alone is not sufficient DPOC in this circumstance because it requires the election officials to consult BMV records to verify the person's citizenship.

If the person produces acceptable DPOC and declares under oath that the person is a U.S. citizen, the person must be permitted to cast a regular ballot. If the person is unable to produce acceptable DPOC at the polls, the person must cast a provisional ballot, as described below.

⁵ R.C. 3503.152, 3503.202, and 3503.21; Ohio Secretary of State, [Directive 2025-23 \(PDF\)](#) (March 17, 2025), available at ohiosos.gov under "Elections & Voting," "Elections Officials," "Directives, Advisories, and Memos"; and [SAVE](#), available at uscis.gov/save.

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.⁶

Legal issues related to proof of citizenship and voting

A reviewing court might consider whether the bill's proof of citizenship requirements are (1) an unconstitutional burden on voting rights under the Equal Protection Clause of the 14th Amendment, or (2) a violation of the National Voter Registration Act of 1993 (NVRA). These issues are currently being litigated in other jurisdictions, and the U.S. Supreme Court has not yet made a final ruling on the matter. In 2024, the Court did issue a limited, temporary order allowing

⁶ 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."

Arizona to enforce certain DPOC requirements, but the order is no longer in effect, and the Court did not make a final decision on whether any state can require DPOC to vote.⁷

Equal Protection

In 2020, a federal appeals court held that a Kansas law requiring proof of citizenship for voter registration violated the Equal Protection Clause of the 14th Amendment by placing an unjustified burden on voting rights. The U.S. Supreme Court declined to hear an appeal of that decision.

Later, a federal district court reviewing an Arizona DPOC law ruled that the law was less burdensome to voters, and therefore did not violate the Equal Protection Clause, because unlike the Kansas law, it allowed voters with a driver's license or state ID card to have their citizenship confirmed via a database check instead of requiring them to submit additional documentation. The bill similarly allows the use of BMV records for that purpose. But, if an Ohio court heard the issue, the court would not be required to follow the Arizona decision. As is mentioned above regarding challenges at the polls, a federal court with jurisdiction over Ohio has ruled in at least one instance that the state could not require an elector to produce a certificate of naturalization.⁸

National Voter Registration Act

Federal forms

The NVRA requires each state to “accept and use” two federal voter registration forms for purposes of registering to vote in federal elections. The federal forms currently do not require DPOC (see “**Presidential executive order**,” below). Arizona’s law allows a person to register using a federal form without providing DPOC, but such a person may vote only in federal elections and only in person, not by mail. Similarly, the bill requires a person who registers using any form and who does not provide DPOC to vote provisionally until the person’s citizenship is verified. The bill creates methods for uniformed services and overseas absent voters to vote provisionally by mail. But, most provisional voters still may vote only in person.

In the Arizona case, a federal appeals court recently ruled that under the NVRA, the state must allow voters who register using the federal form and do not provide DPOC to vote by mail in federal elections. A reviewing court similarly might consider whether the bill is preempted by the NVRA because in most cases, it prevents a person who registers using a federal form without providing DPOC from voting by mail in federal elections.⁹

⁷ *Republican National Committee v. Mi Familia Vota*, 145 S.Ct. 108 (2024) and *Mi Familia Vota v. Fontes*, 129 F.4th 691 (9th Cir. 2025).

⁸ *Fish v. Schwab*, 957 F.3d 1105, 1116 (10th Cir. 2020), cert. denied by *Schwab v. Fish*, 141 S.Ct. 965 (2020); *Mi Familia Vota v. Fontes*, 2024 U.S. Dist. LEXIS 36596 at 168, Case No. 22-CV-00509 (D. Ariz. February 29, 2024); *Boustani v. Blackwell*, 460 F.Supp.2d 822, 826 (N.D. Ohio 2006); and R.C. 3501.01(EE)(1)(a).

⁹ R.C. 3503.202, 3509.08(E), and 3511.04(C); 52 U.S.C. 20302(a) and 20505(a); and *Mi Familia Vota v. Fontes*, 2025 U.S. App. LEXIS 4320 at 33, 129 F.4th 691 (9th Cir. 2025).

90-day restriction

The NVRA also 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. 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 apparent noncitizens, sending them confirmation notices, and potentially canceling their registrations.

Two federal courts of appeals, along with lower federal courts in multiple other jurisdictions, have ruled that under the NVRA, states cannot use SAVE to identify apparent noncitizens and initiate a notice and cancellation process against them during the 90 days before a federal election. It appears that no court with jurisdiction over Ohio has considered this particular issue.¹⁰

Presidential executive order

On March 25, 2025, President Trump issued Executive Order 14248, *Preserving and Protecting the Integrity of American Elections*. The order requires that the federal voter registration forms be changed to require DPOC. Although the bill generally implements a similar policy, the bill differs from the order by (1) including several types of documents as acceptable DPOC that the order does not allow to be submitted with a federal form, such as a birth certificate or certificate of naturalization, and (2) allowing an elector to register on a federal form without providing DPOC, then vote provisionally and provide DPOC by the fourth day after the election. It is not yet clear whether the executive order will be enforced. Several legal challenges are pending in federal court on the ground that it violates the NVRA and the 14th Amendment.¹¹

Processing voter registrations and updates

Generally

Upon processing a valid voter registration or update form, the bill requires the board of elections to mark the elector's registration to indicate that the elector is required to vote

¹⁰ 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 denied by *Virginia Coalition for Immigrant Rights v. Beals*, 2024 U.S. App. LEXIS 27584, Case No. 24-2071 (4th Cir. October 27, 2024); *Majority Forward v. Ben Hill City Board of Elections*, 512 F.Supp.3d 1354, 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).

¹¹ Federal Register, [Executive Order 14248](#), Sec. 2 (March 25, 2025), available at [federalregister.gov](https://www.federalregister.gov) via a document search for "14248"; *League of United Latin American Citizens v. Trump*, Case No. 1:25-CV-00946 (D.D.C. March 31, 2025); *Democratic National Committee v. Trump*, Case No. 1:25-CV-00952 (D.D.C. March 31, 2025); *League of Women Voters Education Fund v. Trump*, Case No. 1:25-CV-00955 (D.D.C. March 31, 2025); and *California v. Trump*, Case No. 1:25-CV-10810 (D. Mass. April 3, 2025).

provisionally (see “**Provisional voting**,” below), unless the SWVRD indicates that the SOS has already verified the applicant as a U.S. citizen. The board then must send the applicant an acknowledgment notice that indicates whether the elector’s citizenship has been verified and, if not, the fact that the elector must provide DPOC to the board to cast a regular ballot and how the elector may do so.

If the SOS later verifies that the applicant is a U.S. citizen, the board must send the applicant a second notice of that fact and remove the provisional voting notation from the elector’s record. As is mentioned above, the bill requires the SOS to check new and updated registrations in the SWVRD against BMV records to verify citizenship at least monthly, and every day during the 46 days before an election. If the verification occurs before the board sends the original acknowledgment notice, it may include that information on the notice instead of sending two notices.

If the board finds that a voter registration or update form is incomplete, the bill requires the board promptly to send the applicant a notice that specifies the information necessary to complete or update the applicant’s registration. Current law requires the board to send that notice regarding an incomplete update form but does not explicitly require the board to do so in the case of an application to register to vote.

Finally, if the board determines that the applicant appears not to be eligible to vote, the bill specifies that the board must reject the form and refer the matter to the county prosecutor for investigation. Existing law does not specify what steps a board must take when it rejects an application.

The bill also relocates, but does not otherwise change, certain other provisions of continuing law that describe the procedures regarding voter registration acknowledgment notices. Under continuing law, when a board of elections registers an elector to vote, the board must send the elector an acknowledgment notice by nonforwardable mail that informs the elector that the elector is registered, shows the elector’s precinct, and describes the photo ID requirements to vote in person.

If the notice is returned to the board as undeliverable, the board must investigate and attempt to deliver the notice to the correct address. If the board cannot verify the elector’s residence address, the board must send the elector a confirmation notice and mark the elector’s name in the registration list and in the poll list or signature pollbook to indicate that the elector must vote provisionally. If the elector votes provisionally and the ballot is not counted, the board must cancel the elector’s registration.¹²

Transferring voter registrations when electors move

When an elector moves from one county to another within Ohio and updates the elector’s registration, the bill requires the election officials to transfer the elector’s registration between counties and to carry over the elector’s voting history and other information. Currently, the

¹² R.C. 3501.01(V), 3503.15, 3503.152, 3503.16(E), 3503.19, 3503.201, 3503.202, and 3503.21.

Revised Code specifies instead that the election officials must cancel the old registration and create a new one.

The current law dates back to an era when each county kept paper voter registration records that never left the county. Today, the boards of elections use a combination of paper and digital records, and they periodically submit their registration data electronically to the SOS for inclusion in the SWVRD. A 2023 Ohio law requires an elector's state-level electronic registration record to follow the elector from county to county. The bill similarly changes Ohio's county-level process for updating registrations to facilitate the transfer of registration data between counties.¹³

Current process – cancellation and re-registration

The current Revised Code states that an elector who moves and updates the elector's registration must declare that fact when updating the registration and must sign a separate authorization to cancel the elector's previous registration. The SOS prescribes a form for an elector to request to cancel a registration, but Ohio's voter registration form does not mention the requirement to sign a separate cancellation authorization.¹⁴ It appears that electors typically do not submit any separate authorization when they update their registrations.

Existing law then requires the board of elections of the elector's new county to mail the authorization and a copy of the elector's new registration form to the elector's previous county or state of residence. If the elector moves from one county to another within Ohio, the law requires the board of elections of the elector's old county to cancel the elector's old registration and retain it, along with the authorization, in a separate file for two calendar years, and to notify the elector of the cancellation. If the elector moves to Ohio from another state, the board must mail the authorization and a copy of the new registration form to the appropriate agency of the elector's former state and county. The cancellation of the elector's registration in that other state then occurs according to that state's laws.¹⁵

Transferring registrations under the bill

Under the bill, an elector is permitted, but no longer required, to sign a separate authorization to have the elector's previous registration transferred to the elector's new county or to have the elector's registration in another state canceled. If the elector does not sign a separate authorization, the elector's new registration form authorizes the transfer. In the case of an elector who moves into Ohio from another state, the registration form is considered to authorize the cancellation of the elector's registration in the elector's previous state.

Accordingly, the bill adds language to the applicant's affirmation on Ohio's voter registration forms, stating that "I understand that if I am registered to vote at any other address, the election officials will be notified of my change of address." The bill also requires the form to

¹³ R.C. 3503.15(C)(9), as amended by H.B. 33 of the 135th General Assembly.

¹⁴ Ohio Secretary of State, [Form 10-A \(PDF\)](#) and [Form SEC 4010 \(PDF\)](#), available at ohiosos.gov under "Elections & Voting," "Elections Officials," and "Forms & Petitions."

¹⁵ R.C. 3503.33.

include a field for the applicant to provide one or more former residence addresses, if the applicant currently is registered to vote at another address. An applicant may, but is not required to, provide a former address. Ohio's current paper voter registration form includes this field, but the statute does not require it.

When an elector moves from one county to another, the bill requires the board of elections of the elector's new county to *transmit*, instead of mailing, a copy of the new registration form and any accompanying authorization form to the board of elections of the elector's former county. The board in the elector's former county must remove the elector's old registration from its files and transfer the information in it to the elector's new county according to procedures prescribed by the SOS. Then, the board must store the old and new registration, along with any authorization form, in a separate file and retain it for two calendar years.

When an elector moves to Ohio from another state, the bill requires the board of elections of the elector's new county to transmit a copy of the elector's new registration form and any accompanying authorization to the chief election official of the state in which the elector was previously registered.¹⁶

Voter registration form changes

As is discussed above, the bill adds an optional space for a former address on Ohio's paper and online voter registration forms and adds language that the applicant understands that the election officials will be notified of an address update.

The bill also adds language that is required to be included on each state's voter registration forms under the NVRA: (1) a list of the eligibility requirements to vote, (2) a declaration under penalty of election falsification (perjury) that the applicant meets those requirements, and (3) the penalty for submitting a false registration. Ohio's current forms include this language as prescribed by the SOS, but the Revised Code does not explicitly require it to be included.¹⁷

The following table compares the current form used in Ohio with the form as it would exist under the bill, assuming that the SOS made no further changes.

- Language in black text is currently required under the Revised Code.
- Language in green text is currently added by the SOS. Underlined green text is required by federal law.
- Language in blue text is added by the bill. Underlined blue text is required by federal law.

¹⁶ R.C. 3503.14, 3503.20, and 3503.33 and conforming changes in R.C. 3503.21.

¹⁷ R.C. 3503.14 and 3503.20; 52 U.S.C. 20505(a)(2), 20507(a)(5), and 20508(b)(2); and Ohio Secretary of State, [Form SEC 4010 \(PDF\)](#).

Current form	Form under the bill
<p>I am:</p> <p><input type="checkbox"/> Registering as an Ohio voter</p> <p><input type="checkbox"/> Updating my address</p> <p><input type="checkbox"/> Updating my name</p> <p>Are you a U.S. citizen?</p> <p><input type="checkbox"/> Yes <input type="checkbox"/> No</p> <p>Will you be at least 18 years of age on or before the next general election?</p> <p><input type="checkbox"/> Yes <input type="checkbox"/> No</p> <p>If you answered NO to either of the questions, do not complete this form.</p> <p><input type="checkbox"/> Another person filled out all or part of this form because I require assistance by reason of blindness, disability, or illiteracy.¹⁸</p> <p>Name: _____</p> <p>Address: _____</p> <p>Additional mailing address (if necessary): _____</p> <p>Birthdate: _____</p> <p>Ohio driver's license or state ID card number OR last four digits of Social Security number: _____</p>	<p>I am:</p> <p><input type="checkbox"/> Registering as an Ohio voter</p> <p><input type="checkbox"/> Updating my address</p> <p><input type="checkbox"/> Updating my name</p> <p>Are you a U.S. citizen?</p> <p><input type="checkbox"/> Yes <input type="checkbox"/> No</p> <p>Will you be at least 18 years of age on or before the next general election?</p> <p><input type="checkbox"/> Yes <input type="checkbox"/> No</p> <p>If you answered NO to either of the questions, do not complete this form.</p> <p><input type="checkbox"/> Another person filled out all or part of this form because I require assistance by reason of blindness, disability, or illiteracy.</p> <p>Name: _____</p> <p>Address: _____</p> <p>Additional mailing address (if necessary): _____</p> <p>Birthdate: _____</p> <p>Ohio driver's license or state ID card number: _____</p> <p>If you do not have an Ohio driver's license or state ID card, the last four digits of your Social Security number: _____</p>

¹⁸ The provision of law requiring this checkbox takes effect on April 9, 2025. The language shown is approximate because as of this writing, the SOS has not yet released the updated version of the form.

Current form	Form under the bill
Phone number (voluntary): _____	Phone number (voluntary): _____
Previous address if updating current registration: _____	Previous address if updating current registration: _____
CHANGE OF NAME ONLY Former legal name: _____	CHANGE OF NAME ONLY Former legal name: _____
Former signature: _____	Former signature: _____
Signature: _____	Signature: _____
Current date: _____	Current date: _____
<u>I declare under penalty of election falsification that I am a citizen of the United States, will have lived in this state for 30 days immediately preceding the next election, and will be at least 18 years of age at the time of the general election.</u>	<u>I declare under penalty of election falsification that I am a citizen of the United States, will have lived in this state for 30 days immediately preceding the next election, and will be at least 18 years of age at the time of the general election. I understand that if I am registered to vote at any other address, the election officials will be notified of my change of address.</u>
<u>WHOEVER COMMITS ELECTION FALSIFICATION IS GUILTY OF A FELONY OF THE FIFTH DEGREE</u>	<u>WHOEVER COMMITS ELECTION FALSIFICATION IS GUILTY OF A FELONY OF THE FIFTH DEGREE</u>

Voter roll maintenance

Review for BMV and SSA record mismatches

In addition to reviewing the SWVRD for apparent noncitizens, as described above, the bill requires the SOS, on a regular basis, to compare the information in the SWVRD against the databases of the BMV and the U.S. Social Security Administration (SSA) to identify each voter registration record that appears to have a missing or incorrect Ohio DL/ID number or SSN-4, or that has an outdated residence address, and send a report to each board of elections. For each county, the report must contain each voter registration record to which one of the following applies and that has not been included in a previous report:

- The record contains neither an Ohio DL/ID number nor an SSN-4. Until 2023, an applicant was allowed to provide an alternative form of ID, such as a copy of a utility bill, when registering to vote on a paper form. As a result, some voter registration records do not include an Ohio DL/ID number or SSN-4.¹⁹

¹⁹ R.C. 3503.14, as amended by H.B. 458 of the 134th General Assembly, effective April 7, 2023.

- The record contains an Ohio DL/ID number, but the number does not exist in the BMV's records or is not associated with the first name, last name, and date of birth that appear in the voter registration record.
- The record contains the elector's Ohio DL/ID number, but the residence address in the BMV's records does not match the residence address in the voter registration record. If the SOS later learns that the elector's residence address has been updated so that the BMV and voting records match, the SOS must notify the board of elections to remove the indication that the elector must vote provisionally at the next election.
- The record contains an SSN-4, but the number does not exist in the SSA's records, or is not associated with the first name, last name, and date of birth that appear in the voter registration record.

The report must exclude any elector who is participating in the Address Confidentiality Program or whom the SOS knows is a designated public service worker. (These individuals are permitted under continuing law to provide an alternative address to the BMV to shield their residence addresses from the public record.)

The SOS must make the information in each report available to the public on the SOS's website, except that the SOS must redact all information that is not a public record (an elector's Ohio DL/ID number, SSN or SSN-4, telephone number, or email address; the address of a designated public service worker; any information concerning a participant in the Address Confidentiality Program; and, under the bill, the elector's proof of citizenship).

Promptly after receiving a report, the bill requires the board of elections to send each listed elector a confirmation notice and mark the elector's record to indicate that the elector must vote by provisional ballot. (See "**Federal voter roll maintenance requirements**," below.) This requirement does not apply if the board determines that the elector is an Address Confidentiality Program participant or a designated public service worker who should have been excluded from the report.²⁰

Confirmation notices

Under continuing law, a confirmation notice is a notice mailed to an elector, requesting the elector to confirm the elector's information. The bill specifies that a confirmation notice may be used to confirm an elector's name and other information required for registration, in addition to the elector's address. The bill also requires that a confirmation notice sent under the bill specify the information the board must verify, how the elector may verify the information before the next time the elector votes, and the date by which the elector must provide the required information to avoid having the elector's registration canceled.

The NVRA created the confirmation notice and specifies the procedures for the states to use it. A confirmation notice must be accompanied by a postage prepaid, preaddressed return

²⁰ R.C. 3503.13, 3503.151(E), and 3503.202. See also R.C. 111.41 to 111.99, 149.43, and 149.45, not in the bill, and Ohio Secretary of State, [Election Official Manual \(PDF\)](#), ch. 4, available at ohiosos.gov under "Elections & Voting," "Elections Officials," "Directives, Advisories, and Memos."

envelope, containing a form on which the elector may verify or correct the elector's registration, and must meet all other requirements of the NVRA. Continuing law requires that, once an elector has been sent a confirmation notice, the elector's registration must be canceled if the elector does not respond, update the elector's registration, or vote during a period of four years that includes two federal general elections. SOS directives also include signing an election petition as a type of "voter-initiated activity" that allows an elector to avoid having the elector's registration canceled after being sent a confirmation notice.

Currently, the boards of elections send confirmation notices to five categories of electors according to the Revised Code and SOS directives:

- Electors whose voter registration acknowledgment notices are returned to the board of elections as undeliverable;
- Electors who appear to have moved based on the National Change of Address Service operated by the U.S. Postal Service;
- Electors who have not voted, updated their registrations, or signed an election petition in two years (by SOS directive);
- Electors whose Ohio DL/ID number or SSN-4 does not match BMV or SSA records (by SOS directive, codified by the bill);
- Electors who are indicated as deceased by BMV or SSA records (by SOS directive). The SOS and the boards also use separate processes based on Ohio Department of Health records and the State and Territorial Exchange of Vital Events (STEVE) Database to identify electors who have died and cancel their registrations.

However, with the exception of an elector whose acknowledgment notice was undeliverable, none of those electors are currently required to vote provisionally.²¹

Federal voter roll maintenance requirements

The NVRA requires each state's voter roll maintenance procedures to be uniform and nondiscriminatory. Because the bill applies a provisional voting requirement to only some electors who are sent confirmation notices, a court might examine whether the bill's procedures are uniform if the bill were challenged. For instance, an elector who appears to have moved based on BMV records must vote provisionally, but an elector who appears to have moved based on a National Change of Address Service list is not required to do so.

Further, as is mentioned above, under "**Legal issues related to proof of citizenship and voting**," during the 90 days before a federal election, the NVRA allows a state to 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

²¹ R.C. 3501.01(W), 3503.19, 3503.202, and 3503.21; 52 U.S.C. 20507(d)(2); and Ohio Secretary of State, [Election Official Manual, ch. 4, sections 4.07 and 4.12 \(PDF\)](#), available at ohiosos.gov under "Elections & Voting," "Elections Officials," "Directives, Advisories, Memos & Tie Votes."

in registration records. A reviewing court might consider whether sending confirmation notices during the 90-day period because of voter ID or address issues under the bill, and requiring the recipients to vote provisionally, is permitted under federal law.²²

Provisional voting

The bill adds the following to the categories of voters who must cast provisional ballots:

- Newly registered or updated electors who have been sent confirmation notices under the bill because their U.S. citizenship has not been verified via BMV records and have not provided DPOC to the board before the election;
- Electors who have been sent confirmation notices under the bill because they have been identified by the SOS as apparent noncitizens and have not provided DPOC to the board before the election;
- Electors who have been challenged by an election official on Election Day as not being U.S. citizens and cannot produce DPOC at the polls;
- Electors who have moved or changed their names without updating their registrations, but have remained within the same election precinct;
- Electors who have been sent a confirmation notice under the bill because of a BMV or SSA record mismatch and have not corrected their information with the board before the election.

Under the bill, for any elector whose registration is marked to indicate the elector must cast a provisional ballot, the SWVRD website's entry must include that fact, the reason the elector must vote provisionally, and the information the elector must provide to the board to become eligible to cast a regular ballot.²³

In general, an elector who is required to cast a provisional ballot cannot vote by mail and must either provide photo ID or execute an affidavit of religious objection to being photographed that includes the elector's SSN-4. Continuing law allows an elector who casts an absentee ballot by mail to provide ID in the form of an Ohio DL/ID number or SSN-4 instead of a photo ID.

Correcting registration before an election

Under the bill, an elector who otherwise would be required to vote provisionally because of a question of U.S. citizenship, a BMV or SSA record mismatch, or an address issue may cast a regular ballot if the elector provides DPOC or corrected information, as applicable, to the board before the elector next votes. The board must remove the provisional ballot indication and correct the elector's registration, if needed, when the elector's information is confirmed as follows.²⁴

²² 52 U.S.C. 20507(c)(2) and (d)(1). See also *Common Cause Indiana v. Lawson*, 937 F.3d 944 (7th Cir. 2019).

²³ R.C. 3503.153.

²⁴ R.C. 3503.202(A) and (B).

- In the case of an elector who needs to verify the elector's U.S. citizenship:
 - The elector provides a form of DPOC that is acceptable under the bill; or
 - The SOS verifies the elector's citizenship as part of a subsequent check of BMV records.
- In the case of a mismatching or undeliverable residence address:
 - The board receives a subsequent report from the SOS indicating that the residence address in the elector's voter registration matches the residence address in the BMV's records; or
 - The elector provides a valid residence address to the board before the elector next appears to vote.
- In the case of a missing or incorrect Ohio DL/ID number, the elector provides one of the following to the board before the elector next appears to vote:
 - An Ohio DL/ID number that exists in the BMV's records and is associated with the elector's first name, last name, and date of birth, as confirmed by the SOS;
 - A correction to the elector's first name, last name, or date of birth so that the elector's registration matches BMV records based on the Ohio DL/ID number previously on file, as confirmed by the SOS.
- In the case of a missing or incorrect SSN-4, the elector provides one of the following to the board before the elector next appears to vote:
 - An SSN-4 that exists in the records of the SSA and is associated with the elector's first name, last name, and date of birth, as confirmed by the SOS;
 - A correction to the elector's first name, last name, or date of birth so that the elector's registration matches SSA records based on the SSN-4 previously on file, as confirmed by the SOS.

Provisional voters whose citizenship must be verified

When a person must cast a provisional ballot because of a question of U.S. citizenship, the bill requires the board of elections to verify the elector's citizenship as part of processing the elector's provisional ballot before the elector's ballot is eligible to be counted. If the elector does not provide DPOC with the provisional ballot, the elector must submit DPOC to the board of elections by the fourth day after Election Day.

If the provisional ballot is not counted because the elector fails to provide ID or is determined to be ineligible to vote, the board must cancel the elector's registration and notify the elector of the cancellation. The notice must inform the elector that the elector may again register to vote if the elector is eligible to do so.

The bill also makes a technical correction to the statute that prescribes the provisional ballot affirmation form to clarify that an elector must provide any additional information to the

board of elections by the fourth day, instead of the seventh day, after Election Day. Other provisions of continuing law require an elector to do so by the fourth day.²⁵

Provisional voters who have moved or changed their names

Under continuing law, an elector who is registered in Ohio, has moved or changed the elector's name, and has not updated the elector's registration by the 30-day deadline before an election still may vote in the election at the elector's new address or under the elector's new name. In general, the elector must vote by provisional ballot, and the affirmation form on the ballot operates as a voter registration update form. But, if the elector still lives in the same election precinct, existing law allows the elector to complete a voter registration update form and cast a regular ballot. If the elector has changed the elector's name, the elector also must provide proof of the name change to cast a regular ballot.

Under the bill, an elector who still lives in the same precinct must cast a provisional ballot instead. This is because the bill requires any elector who updates the elector's registration to have the elector's citizenship verified. The board of elections must verify the elector's citizenship as part of processing the elector's provisional ballot before the elector's ballot is eligible to be counted. If the elector's citizenship has not previously been verified and the elector does not provide DPOC with the provisional ballot, the elector must submit DPOC to the board of elections by the fourth day after Election Day.

The bill also eliminates a current procedure that allows an elector who would be required to vote provisionally because the elector has moved or changed the elector's name, but who cannot vote in person because of a disability or confinement, to cast a special type of absentee ballot by mail. Under the bill, such an elector must cast a provisional ballot in person. If the elector is in the elector's home county, the elector may have a provisional ballot delivered as described below under "**Disability or confinement.**"

Finally, the bill reorganizes and consolidates the sections of law that describe how a person may register to vote or update the person's voter registration to clarify that the same procedures apply in both cases.²⁶

Provisional voters with data mismatches

If an elector is sent a confirmation notice under the bill because of a BMV or SSA record mismatch or an undeliverable address, and the elector's information is not confirmed before the next election at which the elector votes, the elector must vote by provisional ballot. For the provisional ballot to be counted, the elector must provide the needed name, address, birthdate, Ohio DL/ID, or SSN-4, as applicable, on the 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, if applicable, and remove the provisional ballot indication.

²⁵ R.C. 3503.202, 3503.21, 3505.181, 3505.182, 3505.183, and 3505.20.

²⁶ R.C. 3503.16, 3503.19, 3503.201, 3505.181, 3505.182, 3505.183, and 3509.08 and conforming changes in R.C. 3509.02, 3509.04, 3509.051, 3509.07, and 3599.12.

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 and notify the elector of the cancellation. The notice must inform the elector that the elector may again register to vote if the elector is eligible to do so.²⁷

Provisional voting other than on Election Day

The bill creates two new procedures to allow certain electors who need to vote remotely, as described below, to vote provisionally. Additionally, continuing law allows any person who appears at the office of the board of elections during in-person absent voting to cast a provisional ballot.²⁸

Disability or confinement

The bill allows an elector who currently would be eligible to have a bipartisan team of election officials personally deliver an absentee ballot to the elector to cast a provisional ballot in the same manner, as long as the elector is located in the elector's county of residence.

Under continuing law, an elector who is unable to vote in person on Election Day may have the election officials personally deliver the elector's absentee ballot and assist the elector in voting if the elector is in the elector's home county and one of the following apply:

- The elector is unable to appear in person on account of the elector's own personal illness, physical disability, or infirmity.
- The elector is in jail, unless the elector is currently incarcerated for a felony conviction and is therefore ineligible to vote.
- The elector, or the elector's minor child, is confined in a hospital as a result of an accident or unforeseeable medical emergency occurring before the election.

If the elector is located outside the elector's home county, continuing law allows the elector to vote absentee by mail or, in the case of a hospitalization, to have a family member deliver an absentee ballot. But, such an out-of-county elector would not be allowed to vote provisionally under the bill.²⁹

Uniformed services and overseas absent voters

The bill also allows a uniformed services or overseas absent voter (UOCAVA voter) to cast a provisional ballot by mail, as federal law requires Ohio to allow UOCAVA voters to vote by mail. If a UOCAVA voter applies for an absentee ballot and the board determines that the voter must vote provisionally, the board must send the voter a provisional uniformed services or overseas absent voter's ballot (provisional UOCAVA ballot).

²⁷ R.C. 3503.202, 3503.21, 3505.181, 3505.182, and 3505.183.

²⁸ R.C. 3509.02(B).

²⁹ R.C. 3509.08.

The bill creates a provisional UOCAVA ballot affirmation that is the same as the regular provisional ballot affirmation, except that it requires the voter to enclose a copy of the voter's photo ID instead of showing it to an election official. If the voter has a sincere religious objection to being photographed, the voter may submit an affidavit to that effect in the same manner as an in-person provisional voter. The board must include with the provisional UOCAVA ballot (1) an explanation of the reason the UOCAVA voter is receiving a provisional ballot, (2) an explanation of the information or documentation the voter must provide for the ballot to be counted, and (3) a blank copy of the affidavit of religious objection to being photographed, in case the voter needs it.

Additionally, the bill allows a UOCAVA voter who otherwise would be required to vote provisionally still to vote for federal offices by submitting a federal write-in absentee ballot, as federal law requires Ohio to do.³⁰

Absent voting

Returning ballots in person

Drop boxes prohibited

The bill prohibits any board of elections from providing an unattended drop box for returning voted absentee ballots in person. (Under continuing law, absentee ballots may be returned by mail by depositing them in an unattended mailbox operated by the U.S. Postal Service (USPS) or a commercial carrier.)

Current law allows a board to have a maximum of one secure receptacle outside the board's office, subject to certain requirements regarding open hours, video surveillance, restrictions on who may empty it, and reporting the number of ballots returned by various methods. The bill eliminates those requirements along with the ability to have an unattended drop box.³¹

Personal return by elector who cast the ballot

Continuing law allows an elector to personally deliver the elector's own voted absentee ballot by hand-delivering the ballot to the election officials at the board's office. The bill specifies that the elector also may do so at a designated location on, or adjacent to, the property on which the board's office is located (for example, at a staffed drop-off in the parking lot).³²

Personal return by elector's assistant

The bill changes the procedures for a person to personally return another person's ballot to the board of elections. Under the bill, that person, called the elector's assistant, must complete a delivery attestation, which the election officials must attach to the ballot return envelope. The

³⁰ R.C. 3503.202, 3505.183, 3511.04, 3511.052, 3511.09, 3511.11, and 3511.14. See also 52 U.S.C. 20302 and 20303.

³¹ R.C. 3509.05 and 3511.09.

³² R.C. 3509.05(D)(1).

attestation must be made under penalty of election falsification on a form prescribed by the SOS, and must include all of the following:

- The assistant's name;
- The elector's name;
- An affirmation that the assistant is delivering the elector's ballot at the elector's request;
- An affirmation that the assistant is an eligible relative of the elector. The bill retains the current list of eligible relatives: the elector's spouse, father, mother, father-in-law, mother-in-law, grandfather, grandmother, brother or sister of the whole or half blood, son, daughter, adopting parent, adopted child, stepparent, stepchild, uncle, aunt, nephew, or niece.
- The assistant's signature;
- The date the assistant delivers the ballots.

The bill specifies that if the elector requires assistance to vote by reason of a disability, the elector's assistant instead may be any person of the elector's choice, other than the elector's employer, an agent of the elector's employer, or an officer or agent of the elector's union. If a person other than the elector's eligible relative returns the elector's ballot, the affirmation must include the following instead of the affirmation that the assistant is an eligible relative:

- An affirmation that the elector requires assistance to vote by reason of a disability;
- An affirmation that the assistant is not the elector's employer, an agent of the elector's employer, or an officer or agent of the elector's union.

The current statute allows only an eligible relative to be an elector's assistant and does not require an assistant to complete an attestation. However, a federal court ruled in 2024 that Ohio's statute violates the federal Voting Rights Act (VRA) with respect to electors with disabilities because the VRA allows an elector with a disability to be assisted in voting by a person of the elector's choice. In response to that ruling, the SOS issued a directive that allows a nonrelative to assist an elector with a disability but requires any person who returns another person's ballot to hand the ballot directly to an election official and to complete an attestation as described above. The bill codifies that directive.³³

Returning ballots by mail

The bill generally retains the current ballot return deadlines. Under continuing law, a ballot returned in person must be returned by the close of the polls on Election Day, while a ballot returned by mail must be submitted for mailing by the day before Election Day and received at

³³ R.C. 3509.05(C) and (D) and conforming changes in R.C. 3509.08 and 3599.21. See also *League of Women Voters of Ohio v. LaRose*, 741 F.Supp.3d 694 (N.D. Ohio 2024) and Ohio Secretary of State, [Election Official Manual \(PDF\)](#), ch. 7, pp. 214-215, available at ohiosos.gov under "Elections & Voting," "Elections Officials," "Directives, Advisories, & Memos."

the board's office by the fourth day after Election Day. But, the bill changes the procedures for determining when a non-UOCAVA ballot was mailed.

Under the bill, the board must add to each absentee ballot return envelope a USPS Intelligent Mail barcode, or an identifier associated with a successor USPS mail tracing service, that allows the board to perform origin tracing on the envelope. The board must obtain whatever equipment or software it needs to use the barcodes. USPS currently offers this origin tracing service to its commercial customers. When a customer sends out mail that includes a return envelope, the customer adds an Intelligent Mail barcode to the return envelope. Then, when the envelope is mailed back to the customer, the customer can scan the barcode to find out when and where the USPS processed the mail.³⁴



Example of USPS Intelligent Mail barcode

Currently, when a non-UOCAVA ballot is returned to the board of elections by mail and arrives after the close of the polls, it must have a legible postmark showing that it was mailed before Election Day. A postmark applied by a postage evidencing system, such as a postage meter, is not acceptable for that purpose. The bill allows a ballot that has a late or illegible postmark, no postmark, or a postmark from a postage evidencing system still to be counted if the Intelligent Mail barcode indicates that it was submitted to USPS for mailing before Election Day.

Under continuing law, no postmark requirements apply to UOCAVA ballots. So long as a UOCAVA ballot arrives by the fourth day after Election Day, it is eligible to be counted, regardless of whether it has a late or illegible postmark or no postmark.³⁵

Presidential Executive Order 14248 of March 25, 2025, prohibits the states from counting votes for federal office contained in absentee ballots that arrive after Election Day. As is explained above under “**Presidential executive order**,” it is not yet clear whether the order will be enforced. Several legal challenges are pending in federal court on the ground that the President lacks authority to change the ballot return deadline without an act of Congress.³⁶

³⁴ R.C. 3509.04 and U.S. Postal Service, [Intelligent Mail Barcode FAQ](https://postalpro.usps.com), available at postalpro.usps.com under “Mailing and Shipping,” “Intelligent Mail Barcodes.”

³⁵ R.C. 3509.05(E) and 3511.11.

³⁶ Federal Register, [Executive Order 14248](https://www.federalregister.gov), Sec. 7 (March 25, 2025), available at [federalregister.gov](https://www.federalregister.gov) via a document search for “14248”; *League of United Latin American Citizens v. Trump*, Case No. 1:25-CV-00946 (D.D.C. March 31, 2025); *Democratic National Committee v. Trump*, Case No. 1:25-CV-00952 (D.D.C. March 31, 2025); *League of Women Voters Education Fund v. Trump*, Case No. 1:25-CV-00955 (D.D.C. March 31, 2025); and *California v. Trump*, Case No. 1:25-CV-10810 (D. Mass. April 3, 2025).

Absentee ballot counting procedures

The bill clarifies that the continuing law procedures for processing voted absentee ballots do not apply to absentee or provisional ballots cast in person at the office of the board. Those ballots are to be processed in the same manner as ballots cast on Election Day. If an elector appears to have cast both a provisional ballot and an in-person absentee ballot, the in-person absentee ballot must be counted instead of the provisional ballot. (Under continuing law, if an elector appears to have both voted by mail and cast a provisional ballot, the provisional ballot is given priority.)³⁷

Election petitions

The bill makes several changes to the law governing election petitions, including statewide and local initiative and referendum petitions, candidacy petitions, political party formation petitions, and other types of petitions created in statute, such as petitions to change local zoning regulations.

Eligibility to sign petition

The bill requires that a person who signs an election petition be registered to vote at the address shown on the petition as of the date of signing, instead of as of the date the petition is filed with the election officials. Current law allows a petition circulator to have a signer fill out a voter registration or update form at the same time as signing the petition and then submit the form before filing the petition. Under the bill, the signature would not be valid in that situation.

To facilitate the verification of signatures based on the signature date, the bill requires each board of elections to send the SOS a daily snapshot of its voter registration records every business day, instead of only every day during the period beginning 46 days before an election and ending 81 days after the election. Under the bill, the SOS must maintain those records permanently, instead of for at least 22 months after the relevant election.³⁸

Committee representing petitioners

Under continuing law, the proponents of an initiative or referendum petition, an independent candidate's nominating petition, or a political party formation petition must designate a committee of three to five persons to represent the petitioners. The bill makes two changes with respect to that committee.

First, the bill requires the committee to designate an agent upon whom notice of all matters or proceedings pertaining to the petition may be served. Each part-petition must include (1) the names of the committee members and (2) the name and address of the committee's agent, as they exist at the time the part-petition is printed. Currently, each part-petition instead must include the address of every member of the committee, and notice of petition matters must be served on each committee member individually.

³⁷ R.C. 3509.051, 3509.06, 3509.07, and 3509.09.

³⁸ R.C. 3501.38(A) and 3503.15(D).

Second, the bill requires the committee to designate in writing the names and addresses of one or more members or agents of the committee who consent to testify on the committee's behalf. The designation may set out the matters on which each person designated may testify. Upon request, the committee's agent must make the designation available to the SOS, a board of elections, or a court of competent jurisdiction.³⁹

Statewide initiative and referendum petition committees

In the case of a committee representing a statewide initiative or referendum petition, the bill also adds a requirement that the committee file a statement with the SOS before circulating the petition and before receiving a contribution or making an expenditure. The statement must be on a form prescribed by the SOS and must include all of the following:

- The full names and addresses of the committee members;
- The full name and address of the committee's treasurer. Currently, the treasurer must be identified on a separate form filed with the SOS before the committee receives a contribution or makes an expenditure. The bill combines that form with the new form.
- The full name and address of the committee's agent;
- A designation of one or more members or agents of the committee who consent to testify on behalf of the committee. The designation may set out the matters on which each person may testify.

If the information in the statement changes during the time that the committee is circulating the petition, the bill requires the committee promptly to update the statement with the SOS. If the issue is certified to appear on the ballot, the committee also must submit prompt updates if any information changes before the day of the election.⁴⁰

Petition circulators

The bill adds to the requirements that apply to paid and unpaid petition circulators. Under continuing law, any petition circulator must be 18 or older. On each part-petition the person circulates, the person currently must provide the person's name and residence address along with a statement that the person witnessed each signature and that, to the best of the person's knowledge, every signature is valid.⁴¹

Requirements applicable to all circulators

Consent to Ohio jurisdiction

Under the bill, the circulator's statement on every part-petition must include the following:

³⁹ R.C. 3501.38(N) and conforming changes in R.C. 307.94, 3513.261, 3517.01, 3519.02, 3519.05, and 3519.16.

⁴⁰ R.C. 3519.02 and conforming changes in R.C. 3517.12.

⁴¹ R.C. 3501.38(E).

For the purposes of any proceeding related to this petition, I submit to the jurisdiction of the courts of the State of Ohio, the Ohio Secretary of State, and the board of elections of the county in which I have circulated this petition. I understand that I may be required to testify or to produce evidence in such a proceeding. I agree to receive any service of process at the residence address I have provided.

This requirement contemplates a situation in which a petition circulator who is not an Ohio resident leaves the state. If a legal issue arises concerning the petition, the circulator may be difficult to reach.⁴²

The Revised Code generally requires a petition circulator to be an Ohio resident, and the bill leaves that requirement in place. However, that law is not being enforced because it was ruled unconstitutional under the First Amendment. In considering the law, the court noted that instead of requiring circulators to be Ohio residents, the state could achieve its goal of ensuring that petition circulators are available to testify by implementing a less restrictive requirement that circulators provide their contact information and swear to return to Ohio in the event of a protest.⁴³

Number of signatures on part-petition

The bill clarifies that the circulator of a part-petition must *personally* indicate the number of signatures the part-petition contains. Existing law requires the circulator to indicate that number but might be interpreted to allow the petition committee or the circulator's employer to write the number instead.⁴⁴

Requirements specific to paid circulators

The bill expands and modifies certain provisions of law regarding paid petition circulators that currently apply only to statewide petitions. Under the bill, these requirements apply to any petition for which circulators are paid.

Definition of compensation

Under the bill, for any purpose involving the compensation of a petition circulator, a person is compensated for taking an action if any of the following apply:

- The person has been paid, given, or promised, or has received, any money or other thing of value as consideration for taking the action.

⁴² R.C. 3501.38(E)(4) and conforming changes in R.C. 303.12, 303.59, 3509.05, 3513.07, and 3513.261.

⁴³ R.C. 3503.06(C)(1)(a), not in the bill, and *Citizens in Charge v. Husted*, Case No. 2:13-CV-935, Opinion and Order and Preliminary Injunction at p. 23 (S.D. Ohio November 13, 2013), injunction made permanent by *Citizens in Charge v. Husted*, 2015 U.S. Dist. LEXIS 184669, Case No. 2:13-CV-935 (S.D. Ohio March 16, 2015). See also *Nader v. Blackwell*, 545 F.3d 459 (6th Cir. 2008), involving a First Amendment challenge to a previous version of the statute.

⁴⁴ R.C. 3501.38(E) and conforming changes in R.C. 303.12, 303.59, 3509.05, 3513.07, and 3513.261.

- The person is authorized to take the action as part of the person's regular duties as an employee or contractor of another person. (The current Campaign Finance Law refers only to a regular salaried employee taking the action as part of the employee's regular duties, but not to hourly workers or independent contractors.)
- The person has been given or promised, or has received, an appointment, promotion, or increase in pay as consideration for taking the action. (The current Campaign Finance Law refers to an increase in salary instead of an increase in pay, appearing to exclude hourly wages and amounts paid to independent contractors.)
- The person has been given or promised, or has received, assistance to obtain an appointment, promotion, or increase in pay as consideration for taking the action.

The bill modifies the compensation reporting requirements in the Campaign Finance Law to match the ones described above. Under the continuing Campaign Finance Law, the committee in charge of a statewide initiative or referendum petition must disclose the amount and source of money and other things of value that are paid, given, promised, or received for circulating petitions.⁴⁵

Employer disclosures

The bill requires (1) any person who will compensate a person for supervising, managing, or otherwise organizing any signature collection effort for a petition and (2) the person who is compensated for doing so, each to file a statement to that effect with the SOS before any signatures are obtained or before the person is engaged, whichever is later. The SOS must prescribe the form of the statement. Currently, this disclosure requirement applies only to statewide petitions.

Under continuing law, failure to file a required statement is a first degree misdemeanor, and the petition must be deemed invalid. (A first degree misdemeanor is punishable by a maximum of six months in jail and a \$1,000 fine.)⁴⁶

Paid circulator badge

Under the bill, at all times while circulating a petition, a person who is compensated for circulating the petition must have, plainly visible on the circulator's person, a badge that legibly identifies the person as a paid circulator. The SOS must prescribe the form of the badge.⁴⁷

Identifying employer on part-petition

Under the bill, a person who is compensated to circulate any election petition, instead of only a statewide petition, must provide the name and address of the person compensating the circulator on each part-petition.⁴⁸

⁴⁵ R.C. 3501.381(C) and 3517.12.

⁴⁶ R.C. 3501.381(A). See also R.C. 2929.24 and 2929.28, not in the bill.

⁴⁷ R.C. 3501.381(B).

⁴⁸ R.C. 3501.38(E)(3) and conforming changes in R.C. 303.12, 303.59, 3509.05, 3513.07, and 3513.261.

Challenges to petitions

Invalidating factors

The bill specifies that a part-petition of any type of election petition is invalid if any of the following are true:

1. The circulator's statement and the number of signatures on the part-petition are not properly filled out by the circulator.
2. The circulator's statement is not properly signed, is altered by erasure, interlineation, or otherwise, or is false in any respect.
3. Any one person has signed the part-petition more than once.
4. If the circulator was compensated, the petition committee and the employer have not filed the required disclosures with the SOS.
5. If the circulator was compensated, the circulator did not wear the required "paid circulator" badge while circulating the part-petition.

Currently, a statewide initiative or referendum part-petition is invalid if any of items 1-4 above apply, but the law does not specify those same factors for other types of election petitions. However, continuing law generally states that a petition is invalid if it does not meet the requirements of the Revised Code. Item 5 is new under the bill, and currently does not apply to any type of petition.⁴⁹

Failure to comply with subpoena

The bill creates a mechanism for the SOS or a board of elections to enforce a subpoena it issues in the course of a challenge to a petition if the subpoenaed person fails to fully comply. Under continuing law, the SOS and the boards have the power to administer oaths, issue subpoenas, summon witnesses, compel the production of books, papers, records, and other evidence, and hold hearings. But, the law does not currently provide a specific remedy if the person does not comply.

Under the bill, the SOS or the board, as applicable, may request a court of competent jurisdiction to order the person to comply with the subpoena. In the case of a statewide initiative or referendum petition, the request would be filed with the Ohio Supreme Court, which has exclusive, original jurisdiction over those petitions. Other requests likely would be filed with the court of common pleas of the applicable county.

The court may order the person to comply with the subpoena. If the court finds that the noncompliance was in bad faith or for the purpose of delay, it also may order the person to pay the SOS's or the board's reasonable expenses incurred in obtaining the order, including attorney's fees. Additionally, the bill specifies that the court may invoke the sanctions provided by Rule 37 of the Ohio Supreme Court's Rules of Civil Procedure.

⁴⁹ R.C. 3501.39(A) and (B) and 3519.06.

Rule 37, unchanged by the bill, spells out several sanctions a court may impose when a party to a civil case fails to comply with a discovery order (typically, an order to produce a witness or documents). Depending on the circumstances, Rule 37 allows a court to, for example:

- Direct that certain facts be taken as established for purposes of the action as the prevailing party claims;
- Prohibit the disobedient party from supporting or opposing designated claims or defenses, or from introducing designated matters in evidence;
- Treat the failure to obey an order as contempt of court.

For instance, under the bill, a court might order that a particular part-petition be deemed invalid because the circulator refused to testify. Or, the court might prohibit a petition challenger who refused to produce certain documents from later using those documents in the challenger's favor.⁵⁰

Application to currently circulating petitions

The bill specifies that a petition or part-petition that is signed by one or more electors before the bill takes effect is not invalid on the ground that it does not meet the bill's requirements, so long as the petition or part-petition meets the requirements of the previous law.⁵¹

HISTORY

Action	Date
Introduced	03-19-25

ANSB0153IN-136/ks

⁵⁰ R.C. 3501.39(A)(2). See also R.C. 3501.05, 3501.11(J), and 3519.18, not in the bill, and Ohio Supreme Court, [Rules of Civil Procedure](#), Rule 37 (PDF), available at supremecourt.ohio.gov under "Ohio Rules of Court."

⁵¹ Section 3 of the bill.