

As Introduced

134th General Assembly

Regular Session

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H. B. No. 724

Representative Blackshear

**Cosponsors: Representatives Crossman, Miller, A., Hicks-Hudson, Smith, K.,
Davis, Miller, J., Galonski, West**

A BILL

To amend section 3501.01 and to enact sections 1
4507.60, 4507.61, and 4507.62 of the Revised 2
Code to authorize the use of a digital driver's 3
license or state identification card. 4

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF OHIO:

Section 1. That section 3501.01 be amended and sections 5
4507.60, 4507.61, and 4507.62 of the Revised Code be enacted to 6
read as follows: 7

Sec. 3501.01. As used in the sections of the Revised Code 8
relating to elections and political communications: 9

(A) "General election" means the election held on the 10
first Tuesday after the first Monday in each November. 11

(B) "Regular municipal election" means the election held 12
on the first Tuesday after the first Monday in November in each 13
odd-numbered year. 14

(C) "Regular state election" means the election held on 15
the first Tuesday after the first Monday in November in each 16

even-numbered year. 17

(D) "Special election" means any election other than those 18
elections defined in other divisions of this section. A special 19
election may be held only on the first Tuesday after the first 20
Monday in May, August, or November, or on the day authorized by 21
a particular municipal or county charter for the holding of a 22
primary election, except that in any year in which a 23
presidential primary election is held, no special election shall 24
be held in May, except as authorized by a municipal or county 25
charter, but may be held on the third Tuesday after the first 26
Monday in March. 27

(E) (1) "Primary" or "primary election" means an election 28
held for the purpose of nominating persons as candidates of 29
political parties for election to offices, and for the purpose 30
of electing persons as members of the controlling committees of 31
political parties and as delegates and alternates to the 32
conventions of political parties. Primary elections shall be 33
held on the first Tuesday after the first Monday in May of each 34
year except in years in which a presidential primary election is 35
held. 36

(2) "Presidential primary election" means a primary 37
election as defined by division (E) (1) of this section at which 38
an election is held for the purpose of choosing delegates and 39
alternates to the national conventions of the major political 40
parties pursuant to section 3513.12 of the Revised Code. Unless 41
otherwise specified, presidential primary elections are included 42
in references to primary elections. In years in which a 43
presidential primary election is held, all primary elections 44
shall be held on the third Tuesday after the first Monday in 45
March except as otherwise authorized by a municipal or county 46

charter. 47

(F) "Political party" means any group of voters meeting 48
the requirements set forth in section 3517.01 of the Revised 49
Code for the formation and existence of a political party. 50

(1) "Major political party" means any political party 51
organized under the laws of this state whose candidate for 52
governor or nominees for presidential electors received not less 53
than twenty per cent of the total vote cast for such office at 54
the most recent regular state election. 55

(2) "Minor political party" means any political party 56
organized under the laws of this state that meets either of the 57
following requirements: 58

(a) Except as otherwise provided in this division, the 59
political party's candidate for governor or nominees for 60
presidential electors received less than twenty per cent but not 61
less than three per cent of the total vote cast for such office 62
at the most recent regular state election. A political party 63
that meets the requirements of this division remains a political 64
party for a period of four years after meeting those 65
requirements. 66

(b) The political party has filed with the secretary of 67
state, subsequent to its failure to meet the requirements of 68
division (F) (2) (a) of this section, a petition that meets the 69
requirements of section 3517.01 of the Revised Code. 70

A newly formed political party shall be known as a minor 71
political party until the time of the first election for 72
governor or president which occurs not less than twelve months 73
subsequent to the formation of such party, after which election 74
the status of such party shall be determined by the vote for the 75

office of governor or president. 76

(G) "Dominant party in a precinct" or "dominant political 77
party in a precinct" means that political party whose candidate 78
for election to the office of governor at the most recent 79
regular state election at which a governor was elected received 80
more votes than any other person received for election to that 81
office in such precinct at such election. 82

(H) "Candidate" means any qualified person certified in 83
accordance with the provisions of the Revised Code for placement 84
on the official ballot of a primary, general, or special 85
election to be held in this state, or any qualified person who 86
claims to be a write-in candidate, or who knowingly assents to 87
being represented as a write-in candidate by another at either a 88
primary, general, or special election to be held in this state. 89

(I) "Independent candidate" means any candidate who claims 90
not to be affiliated with a political party, and whose name has 91
been certified on the office-type ballot at a general or special 92
election through the filing of a statement of candidacy and 93
nominating petition, as prescribed in section 3513.257 of the 94
Revised Code. 95

(J) "Nonpartisan candidate" means any candidate whose name 96
is required, pursuant to section 3505.04 of the Revised Code, to 97
be listed on the nonpartisan ballot, including all candidates 98
for judge of a municipal court, county court, or court of common 99
pleas, for member of any board of education, for municipal or 100
township offices in which primary elections are not held for 101
nominating candidates by political parties, and for offices of 102
municipal corporations having charters that provide for separate 103
ballots for elections for these offices. 104

(K) "Party candidate" means any candidate who claims to be a member of a political party and who has been certified to appear on the office-type ballot at a general or special election as the nominee of a political party because the candidate has won the primary election of the candidate's party for the public office the candidate seeks, has been nominated under section 3517.012, or is selected by party committee in accordance with section 3513.31 of the Revised Code.

(L) "Officer of a political party" includes, but is not limited to, any member, elected or appointed, of a controlling committee, whether representing the territory of the state, a district therein, a county, township, a city, a ward, a precinct, or other territory, of a major or minor political party.

(M) "Question or issue" means any question or issue certified in accordance with the Revised Code for placement on an official ballot at a general or special election to be held in this state.

(N) "Elector" or "qualified elector" means a person having the qualifications provided by law to be entitled to vote.

(O) "Voter" means an elector who votes at an election.

(P) "Voting residence" means that place of residence of an elector which shall determine the precinct in which the elector may vote.

(Q) "Precinct" means a district within a county established by the board of elections of such county within which all qualified electors having a voting residence therein may vote at the same polling place.

(R) "Polling place" means that place provided for each

precinct at which the electors having a voting residence in such	134
precinct may vote.	135
(S) "Board" or "board of elections" means the board of	136
elections appointed in a county pursuant to section 3501.06 of	137
the Revised Code.	138
(T) "Political subdivision" means a county, township,	139
city, village, or school district.	140
(U) "Election officer" or "election official" means any of	141
the following:	142
(1) Secretary of state;	143
(2) Employees of the secretary of state serving the	144
division of elections in the capacity of attorney,	145
administrative officer, administrative assistant, elections	146
administrator, office manager, or clerical supervisor;	147
(3) Director of a board of elections;	148
(4) Deputy director of a board of elections;	149
(5) Member of a board of elections;	150
(6) Employees of a board of elections;	151
(7) Precinct election officials;	152
(8) Employees appointed by the boards of elections on a	153
temporary or part-time basis.	154
(V) "Acknowledgment notice" means a notice sent by a board	155
of elections, on a form prescribed by the secretary of state,	156
informing a voter registration applicant or an applicant who	157
wishes to change the applicant's residence or name of the status	158
of the application; the information necessary to complete or	159
update the application, if any; and if the application is	160

complete, the precinct in which the applicant is to vote. 161

(W) "Confirmation notice" means a notice sent by a board 162
of elections, on a form prescribed by the secretary of state, to 163
a registered elector to confirm the registered elector's current 164
address. 165

(X) "Designated agency" means an office or agency in the 166
state that provides public assistance or that provides state- 167
funded programs primarily engaged in providing services to 168
persons with disabilities and that is required by the National 169
Voter Registration Act of 1993 to implement a program designed 170
and administered by the secretary of state for registering 171
voters, or any other public or government office or agency that 172
implements a program designed and administered by the secretary 173
of state for registering voters, including the department of job 174
and family services, the program administered under section 175
3701.132 of the Revised Code by the department of health, the 176
department of mental health and addiction services, the 177
department of developmental disabilities, the opportunities for 178
Ohioans with disabilities agency, and any other agency the 179
secretary of state designates. "Designated agency" does not 180
include public high schools and vocational schools, public 181
libraries, or the office of a county treasurer. 182

(Y) "National Voter Registration Act of 1993" means the 183
"National Voter Registration Act of 1993," 107 Stat. 77, 42 184
U.S.C.A. 1973gg. 185

(Z) "Voting Rights Act of 1965" means the "Voting Rights 186
Act of 1965," 79 Stat. 437, 42 U.S.C.A. 1973, as amended. 187

(AA) (1) "Photo identification" means a document that meets 188
each of the following requirements: 189

~~(1)~~ (a) It shows the name of the individual to whom it was 190
issued, which shall conform to the name in the poll list or 191
signature pollbook. 192

~~(2)~~ (b) It shows the current address of the individual to 193
whom it was issued, which shall conform to the address in the 194
poll list or signature pollbook, except for a driver's license 195
or a state identification card issued under section 4507.50 of 196
the Revised Code, which may show either the current or former 197
address of the individual to whom it was issued, regardless of 198
whether that address conforms to the address in the poll list or 199
signature pollbook. 200

~~(3)~~ (c) It shows a photograph of the individual to whom it 201
was issued. 202

~~(4)~~ (d) It includes an expiration date that has not 203
passed. 204

~~(5)~~ (e) It was issued by the government of the United 205
States or this state. 206

(2) For purposes of providing photo identification to an 207
election official in person, "photo identification" includes a 208
digital license or identification provided in accordance with 209
section 4507.62 of the Revised Code, provided the digital 210
license or identification meets each of the requirements 211
specified in divisions (AA)(1)(a) to (e) of this section. 212

Sec. 4507.60. (A) As used in sections 4507.60 to 4507.62 213
of the Revised Code: 214

(1) "Digital license or identification" means a digital 215
copy of a person's physical driver's license or identification 216
card that is contained within a mobile application loaded onto a 217
person's electronic wireless communications device. 218

<u>(2) "Electronic wireless communications device" has the</u>	219
<u>same meaning as in section 4509.103 of the Revised Code.</u>	220
<u>(3) "Licensee or cardholder" means a person who holds a</u>	221
<u>state-issued driver's license or identification card.</u>	222
<u>(4) "Mobile application entity" means the entity that</u>	223
<u>creates, owns, or manages the mobile application containing the</u>	224
<u>digital license or identification.</u>	225
<u>(5) "Peace officer" has the same meaning as in section</u>	226
<u>109.71 of the Revised Code.</u>	227
<u>(6) "Proof of identity" means the use of a driver's</u>	228
<u>license or identification card, either in physical or digital</u>	229
<u>form, in order to provide evidence of a person's identity,</u>	230
<u>including that person's name, age, date of birth, distinguishing</u>	231
<u>number, address, or photographic image.</u>	232
<u>(7) "Selfie" means an image of a person that is taken by</u>	233
<u>that person using a digital camera on the person's electronic</u>	234
<u>wireless communications device.</u>	235
<u>Sec. 4507.61.</u> <u>The registrar of motor vehicles shall</u>	236
<u>develop, implement, and administer a program that provides for</u>	237
<u>the use of a digital license or identification by residents of</u>	238
<u>this state. For purposes of the program, the registrar shall</u>	239
<u>adopt rules in accordance with Chapter 119. of the Revised Code</u>	240
<u>that establish all of the following:</u>	241
<u>(A) A requirement that a person must have a valid physical</u>	242
<u>driver's license or identification card in order to qualify for</u>	243
<u>use of a digital license or identification;</u>	244
<u>(B) A mechanism by which the registrar shall receive data</u>	245
<u>and images, including a selfie of a licensee or cardholder, from</u>	246

either the mobile application entity or the licensee or 247
cardholder, for purposes of both of the following: 248

(1) Verifying the identity of the licensee or cardholder; 249

(2) Ensuring the validity of the driver's license or 250
identification card. 251

(C) A verification process to determine that any data, 252
images, or selfie submitted in accordance with division (B) of 253
this section reasonably matches the data and digitalized 254
photographic records of the department of public safety for that 255
licensee or cardholder; 256

(D) Mechanisms to ensure that any information transmitted 257
by the bureau of motor vehicles to either the mobile application 258
or the digital driver's license or identification is encrypted 259
and protected in accordance with reasonable security standards 260
broadly available and cannot be intercepted while being 261
transmitted from the bureau; 262

(E) Procedures that apply when a licensee or cardholder's 263
driver's license or identification card is expired, suspended, 264
or revoked; 265

(F) Any other procedures or requirements that the 266
registrar determines are necessary to implement and administer 267
this section and ensure the general privacy, security, and 268
safety of the data and images exchanged through the program. 269

Sec. 4507.62. (A) At any time that a person is requested 270
to provide proof of identity, including requests made by a state 271
employee, a state official, or a peace officer, the person may 272
provide the proof of identity through a digital license or 273
identification, if all of the following apply: 274

<u>(1) The person's driver's license or identification card</u>	275
<u>is valid and not expired, revoked, or suspended.</u>	276
<u>(2) One of the following has occurred:</u>	277
<u>(a) For an Ohio driver's license or identification card,</u>	278
<u>the registrar of motor vehicles has provided any identification</u>	279
<u>verification services required by the mobile application entity</u>	280
<u>prior to use of the digital license or identification in</u>	281
<u>accordance with section 4507.61 of the Revised Code.</u>	282
<u>(b) For a driver's license or identification card issued</u>	283
<u>by another state, the state agency responsible for verifying the</u>	284
<u>person's identity prior to use of the digital license or</u>	285
<u>identification has performed all identification verification</u>	286
<u>services required by that state.</u>	287
<u>(3) The requestor of the proof of identity has the means</u>	288
<u>and authorization to accept and validate the digital license or</u>	289
<u>identification.</u>	290
<u>(C) (1) When a person utilizes an electronic wireless</u>	291
<u>communications device to present proof of identity, only the</u>	292
<u>evidence of that person's proof of identity displayed on the</u>	293
<u>device shall be viewed by the requestor. No other content of the</u>	294
<u>device shall be viewed for purposes of obtaining proof of</u>	295
<u>identity or for any other purpose.</u>	296
<u>(2) When a person provides an electronic wireless</u>	297
<u>communications device to the requestor of the proof of identity,</u>	298
<u>the person assumes the risk of any resulting damage to the</u>	299
<u>device unless the requestor purposely, knowingly, or recklessly</u>	300
<u>commits an action that results in damage to the device.</u>	301
Section 2. That existing section 3501.01 of the Revised	302
Code is hereby repealed.	303