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Bill Analysis

Version: As Introduced

Primary Sponsor: Sen. Hoagland

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SUMMARY

- Prohibits an individual who is required to register with the Selective Service, but fails to do so, from holding an elected or appointed public office in, or becoming employed by, the state of Ohio.
- Requires a state appointing authority to ensure that an applicant is in compliance with the federal Selective Service System registration requirement before offering the applicant employment.

DETAILED ANALYSIS

Failure to register with the Selective Service System

Appointed or elected office

Under the bill, an individual who fails to register with the Selective Service System in violation of the federal Military Selective Service Act¹ (see “**Military Selective Service Act**,” below) is disqualified from holding an appointed or elected position with any of the following entities:

- A state agency;
- A public institution;
- A political subdivision;

¹ 50 United States Code (U.S.C.) 3802.

- Any other organized body, office, agency, institution, or entity established by Ohio law for the exercise of any function of government.²

This includes an individual who failed to register before the requirement for the individual to register ended or no longer applied to the individual. The bill exempts individuals who currently hold such an office on the bill's effective date from being removed under the bill.³

State employment

The bill disqualifies an individual who fails to register with the Selective Service System in violation of the federal Military Selective Service Act from an initial appointment to employment with a state agency. For purposes of the bill, a "state agency" means any of the following:

- An organized body, office, agency, institution, or other entity established by the laws of the state for the exercise of a function of state government;
- Any state-supported institution of higher education;
- The Public Employees Retirement System;
- The Ohio Police and Fire Pension Fund;
- The State Teachers Retirement System;
- The School Employees Retirement System;
- The State Highway Patrol Retirement System.

A state appointing authority must ensure that an applicant is in compliance with the federal Military Selective Service Act before offering employment. The bill is not to be construed as requiring a state agency to remove an individual from employment with the agency, or take any other adverse employment action against an individual, if the individual is employed with the agency on the bill's effective date.⁴ The bill's employment provisions prevail over conflicting provisions of public sector collective bargaining agreements entered into on or after the bill's effective date.⁵

Automatic license registration – exemption

The bill's disqualification of an individual from appointed or elected office or an initial appointment to employment with a state agency does not apply if the individual submitted an application for issuance or renewal of an Ohio driver's license, commercial driver's license,

² "Public office" does not include the nonprofit corporation formed under section 187.01 of the Revised Code known as JobsOhio.

³ R.C. 3.19.

⁴ R.C. 124.95.

⁵ R.C. 4117.10.

temporary instruction permit, or identification card during the time that the individual was required to register with the Selective Service System when Ohio's automatic registration law, discussed below, was in effect (on and after August 1, 2002).⁶

Under continuing Ohio law, any individual who is required to register with the Selective Service System, and who submits an application for issuance or renewal of an Ohio driver's license, commercial driver's license, temporary instruction permit, or identification card, is automatically registered with the Selective Service System by the Bureau of Motor Vehicles.⁷

Military Selective Service Act

The federal Military Selective Service Act⁸ generally requires every male U.S. citizen, and every other male residing in the U.S., who is between the ages of 18 and 26, to register with the Selective Service System. Failure to register is punishable by imprisonment for up to five years and/or a fine of not more than \$250,000. Furthermore, failure to register may result in an individual's permanent ineligibility for the following benefits:

- Most federal employment;
- Security clearance for contractors;
- Job training under the Workforce Innovation and Opportunity Act (formerly known as the Workforce Investment Act);
- U.S. citizenship for immigrant individuals assigned "male" at birth.⁹

However, the federal law specifies that an individual may not be denied a right, privilege, or benefit under federal law by reason of failure to register with the Selective Service System if the requirement for the individual to register has ended or no longer applies to the individual and the individual shows by a preponderance of the evidence that the failure to register was not a knowing and willful failure.¹⁰ The bill does not include a similar exception regarding the intent of an individual who does not register for the Selective Service System.

The bill does not specify whether its penalties apply only to individuals convicted of a violation of the federal Military Selective Service Act or whether the penalties apply to any individual who fails to register for the Selective Service System, regardless of a conviction.

⁶ R.C. 124.95(E).

⁷ R.C. 4507.062, not in the bill.

⁸ 50 U.S.C. 3802.

⁹ [Frequently Asked Questions](http://www.sss.gov), which is available on the Selective Service System's website: www.sss.gov, under "Frequently Asked Questions."

¹⁰ 50 U.S.C. 3811(g).

Other existing Ohio law related to Selective Service Registration

Under Ohio law, an individual who is required to register with the Selective Service System must do so to be eligible for in-state tuition at state-assisted institutions of higher education.¹¹ Similarly, a student enrolled in an institution of higher education must file with that institution either that the student is registered with the Selective Service, as required by federal law, or that the student is not required to register due to a qualifying exemption. Failure to do so results in the student's ineligibility for a litany of state loans, grants, scholarships, and other financial assistance.¹²

HISTORY

Action	Date
Introduced	04-25-23

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¹¹ R.C. 3345.32(C), not in the bill.

¹² R.C. 3345.32(D), not in the bill.