

CORRECTED TESTIMONY OF ANDREA R. YAGODA

IN OPPOSITION TO HB 54

Chair Stewart, Vice Chair Dovilla, Ranking Member Rose Sweeney and Members of the House Finance Committee. My name is Andrea R. Yagoda I have been a resident of Ohio for fifty (50) years. I come before you today to testify in opposition to portions of HB 54.

When I was in law school we were taught that it was better to let one guilty man go free than imprison an innocent one. Yet here we have another bill making it harder for Ohioans to register to vote and update their voter registration when at the Bureau of Motor Vehicles. Every time legislators introduce another voter suppression bill they say “well even one fraudulent voter is too much”. Everyone acknowledges there really is no voter fraud problem in this country and yet here we are. Legislators would rather sacrifice 7,053 voters who lost their right to vote solely because they did not have the proper ID in November 2024 and could not produce it in a measly four (4) days in exchange for one possible fraudulent voter. Why do we need this bill? Even more troubling is why is it hidden away in a transportation bill? Why does the OLSC summary of the bill not include anything about the voting provisions?

Sec. 3503.11 of the bill provides:

*(A)(1) When any person applies for a driver's license, commercial driver's license, a state of Ohio identification card issued under section 4507.50 of the Revised Code, or motorcycle operator's license or endorsement, or the **renewal or duplicate** of any license or endorsement under Chapter 4506. or 4507. of the Revised Code, **and the person has presented proof of United States citizenship** to the registrar of motor vehicles or a deputy registrar, the registrar*

*or deputy registrar shall offer the applicant **the opportunity to register to vote or to update** the applicant's voter registration by electronic means in conjunction with the person's transaction with the registrar or deputy registrar, in a manner prescribed by the secretary of state.*

Let's be clear, one already must provide proof of citizenship to get an initial Ohio drivers license or a "renewal" if license expired greater than six (6) months ago.¹ Ohio Administrative Code 4501:1-1-21 provides as follows:

*(C) A person who applies for **first issuance** of an Ohio credential, or issuance when an Ohio credential has been expired for more than six months shall present identification documents sufficient to establish the person's:*

- (1) Full legal name;*
- (2) Date of birth;*
- (3) Social security number (SSN);*
- (4) Street address of the person's principal residence in the state of Ohio; and*
- (5) Status as a citizen, permanent resident, or temporary resident of the United States.*

It then goes on to explain the documents necessary to prove all the items listed above. So why would Ohioans need to submit the same documents again when renewing their license to establish citizenship to be afforded the opportunity to register to vote or update their registration when they renew their drivers license or state ID through the BMV? The Ohio Administrative Code does not require proof of citizenship for a renewal. Could this bill be overkill?

This bill would require Ohioans to provide of proof of citizenship every four (4) years for those 65 older and every 4-8 years for others (ORC 4507.09) if they want the opportunity to register to vote or update their registration through the BMV.

HB 54 seeks to expand ORC 3503.19 without specifically going that route. Under 3503.19 when a registration is submitted, the Board of Elections sends a

¹ And the code provides that all identifying information just match for a duplicate and does not require additional documentation.

confirmation notice. If the confirmation is returned to the BOE that voter is placed on provisional status. If they fail to vote then they will eventually be purged, however, if they do vote and their provisional ballot is accepted then they remain on the polls and their registration is updated, however, if their provisional ballot is rejected pursuant to 3505.183 (B)(4)(a)(i)(v)(vi) then their registration is canceled. This bill additionally captures Ohioans whose licenses have been surrendered, however, the exact meaning of that term has never been defined in the code, whose state ID or drivers license have been expired for at six (6) months. All of these individuals are presumed to have left the state. They are put on a provisional voting list circulated to the BOES. The BOEs are then required to attempt to verify that the individual still resides in Ohio. If they cannot be verified they remain in provisional status. Keep in mind someone can have an expired drivers license but have other acceptable forms of ID to vote.

This bill fails to take into account the elderly and the handicapped who may have a license at one time but either surrendered it or failed to renew the same as no longer driving. Fails to take into account those who may have unexpectedly been forced into an assisted living or nursing home facility. The question then is if one of these voters requests an absentee ballot would this be sufficient to confirm their address and remove them from any provisional list or would they be required, although physically unable to, vote provisionally in person?

This bill fails to consider that an individual's driving privileges have been suspended, although able to renew their license, chooses not to renew until

driving rights are restored. There are so many possibilities as to why a driver's license or state ID has not been renewed and just as many as why the confirmation notice could be returned especially since not forwardable.

If one of these individuals subsequently renews their license or state ID and their address matches that shown by the Board of Elections, they are removed from the provisional status but if the address differs they remain in provisional status. Why? If their license has been expired for six (6) months or greater to obtain a license, they must provide documentation to establish their legal presence pursuant to Ohio Administrative Code 4501:1-1-21 and to vote the law does not require that the address on the license match the registration address so long as the address given at voting is that reflected on the rolls and one is in the correct precinct.

This provision in the bill requiring matching addresses seems to conflict with ORC 3503.11 which provides:

(2) When any person submits a notice of change of address to the registrar under division (C) of section 4507.09 of the Revised Code, the registrar shall offer the applicant the opportunity to submit a notice of change of address for voter registration purposes by electronic means in conjunction with the person's transaction with the registrar, in a manner prescribed by the secretary of state.

Clearly the law permits one to update their registration address at the BMV and it can be done at the same time they "renew" their license and therein lies the conflict. The address on the license when obtained will not match that shown by the BOE until the BOE receives the updated registration and updates its records. The bill does not address the simultaneous registration update and license "renewal" so the question is will the subsequent change of the address

remove one from provisional status?

And then there is ninety (90) days before an election when one has renewed their license and requested an updated address and the BOE is not notified as the Secretary of State is not providing the lists.

ORC 3503.19 is harsh enough in that one is removed from the rolls if s/he fails to cure within the four (4) day window. Why add to the numbers of purging voters just because someone has an expired license? Having observed the Board's process of determining whether to accept or reject provisional ballots I have seen instances wherein the envelope is marked that the poll worker saw the ID and yet the ID number was not on the envelope or where the ID number is present but it is not marked that the license was seen. These voters had their ballots excluded. Let's pass legislation preserving the right to vote not the opposite.

This also presents more unnecessary work for the Boards of Elections without the allocation of additional funds to the BOEs and creates one more unnecessary hurdle for voters for no real benefit to anyone or anything.

I ask you to vote no on this bill.

Andrea R. Yagoda