



Senators Theresa Gavarone and Andrew Brenner
Sponsor Testimony: Senate Bill 293

Chair Ray, Ranking Member Brent, and members of the House General Government Committee, thank you for allowing us the opportunity to provide sponsor testimony on Senate Bill 293, a piece of legislation that will protect and improve the elections process in Ohio.

Just last year, a federal case in the U.S. Court of Appeals Fifth Circuit held that federal Election Day statutes, which establishes a uniform election day, preempt state law. In that case, (*Republican National Committee v. Wetzel*) the state of Mississippi had a law that allowed ballots post-marked on or before Election Day to be counted 5 days after, similar to Ohio's 4-day allowance. The court decided that the term "election" included both the casting and receipt of ballots, and that the election could not be concluded until all ballots were received. Therefore, all ballots needed to be received in, on Election Day.

After that case was decided, 4 states have changed their laws to require ballots to be received on or before Election Day. And now that case will ultimately be decided in the U.S. Supreme Court.

This is not simply a Republican initiative or concern. Minnesota, a reliably blue state, passed legislation to comply with federal law, changing their former requirement from ballots to be received at the close of polls on Election Day, to ballots must be received by 5pm on Election Day. 3 other states have joined Minnesota in similar changes in the past year: North Dakota, Utah, and Kansas.

34 states (two-thirds of the country!) now require absentee ballots returned by mail to be received on or before election day, including Ohio's neighbors: Indiana, Kentucky, Pennsylvania, and Michigan. SB 293 will be the most consistent way to ensure we comply with federal law.

While we will be requiring ballots to be in by the time polls close on election day, we did carve out Uniformed and Overseas Citizens Absentee Voters (UOCAVA). This means that military and citizens living overseas will still have the deadline of four days after election day to get their ballots in.

On top of that, it cannot be disputed that voter fraud is real. It happens. Some people seem to have the opinion that a little bit of voter fraud is fine or just the cost of doing business. Not us.

One case of voter fraud is too much, and we believe SB 293 tightens the loopholes that some people can exploit to undermine our elections systems and, by definition, our Republic.

To those who decry the elimination of the 4-day extension, based on the mistaken belief that it will silence Ohioans' voices by preventing their ballots from being counted: in today's law, someone could drop off their ballot at the post office before the election and have it received the day after, only to have it thrown out because the post office didn't postmark it. The issue is not with eliminating the extension.

On the contrary, the consequences of allowing a four-day extension period after Election Day are risky and unfair to the citizens of Ohio. It results in slower processing of ballots, which delays results and encourages fraud. This hurts the integrity and credibility of our elections process. More time waiting equals more time to commit a crime. By removing the 4-day provision and standing firm on the fixed date of Election Day, voters can have confidence that there won't be a rush of phony ballots shoved in to skew the results.

After amending this legislation today, SB 293 now includes provisions from our SB 153, specifically the provisions that require proof of citizenship to vote.

It is simple, if you are a citizen, and you can provide proof of your citizenship, such as a verifiable driver's license or state ID card, you can vote in our elections. It's that easy. The vast majority of people provide proof of citizenship when getting a driver license or state ID and the BMV can verify citizenship in those cases. You would think this notion would be widely supported, but sadly, we have groups who think this is not necessary and some who believe we should allow non-citizens to vote. This is perplexing since we are talking about one of the institutions at the very core of our Republic. In what world should someone who has not taken the steps to become a citizen in our great country and live in our state be able to vote in our elections? Now, if you are not a citizen, but you want to vote, become a United States citizen and then you may enjoy the privileges and responsibilities of a citizen: the privilege of voting.

Election security should always be one of our main priorities. In fact, it is a priority in the minds of an overwhelmingly majority of Americans. Polling has shown that stopping non-citizens from voting is important. For example, according to a Pew Research Center Poll, 90% of Americans support a citizenship requirement to vote.¹ In fact, Ohio voters overwhelmingly passed a constitutional amendment only 3 years ago, saying only citizens can vote in our local elections.

As a quick overview, the amended bill will now include the following:

- It cleans up data mismatches on the voter rolls when driver's licenses, ID numbers, social security numbers, or DOBs don't match the BMV or Social Security databases.
- It also specifies that the proof of citizenship is not a public record.
- It will require the Secretary of State to conduct reviews of the Statewide Voter Registration Database at least monthly to ID anyone who is not a citizen by checking the

1. [Ensuring only eligible citizens cast ballots](#)

BMV and the SAVE database. If the SOS determines that an elector is not a citizen, their registration will be cancelled and the Election Integrity Unit will investigate.

- The Secretary of State will also send monthly reports to the Boards of Elections listing registered electors who have died, based on the Social Security and SAVE databases, the State and Territorial Exchange of Vital Events database and the Department of Health.
- Furthermore, precinct workers and election officials will be required to challenge any potential voter whose driver's license or ID number is marked as a non-citizen.

It is our belief that if we are not actively protecting our elections then we are asking for trouble. There is no doubt that this bill will improve the election process in Ohio.

Ohioans have the right to vote, and we want all valid votes to count, and the process needs to be done on Election Day. This bill, above all, will reinforce the reality that voting is one of the highest duties a citizen is called upon to do. It will provide impetus for voters to make their voices heard and inspire confidence in a fair and secure election.

Thank you for your attention and consideration. We will be happy to answer any questions you might have at this time.