



May 25, 2025

Ohio Senate General Government Committee  
Senate Building  
1 Capitol Square  
Columbus, Ohio 43215

**Re: Opposition to Senate Bill 153**

Dear Chair Roegner and Members of the General Government Committee,

Campaign Legal Center (CLC) is a non-partisan, non-profit organization that works to protect and strengthen the U.S. democratic process across all levels of government through litigation, policy analysis, and public education. We write to express our strong opposition to Senate Bill 153 (hereinafter "S.B. 153"), which, among other things, would require an individual to provide documentary proof of citizenship while registering to vote or updating their registration in order to cast a ballot in the subsequent election. If passed, S.B. 153 would create additional burdens for both election administrators and voters and raise the likelihood of mass disenfranchisement, legal challenges, and election administration disasters. These hardships are simply not warranted to sustain a policy that will ultimately do little to strengthen Ohio's election system.

In addition to requiring voters to submit documentary proof of citizenship with their new or updated voter registration form, S.B. 153 mandates that the Secretary of State conduct database checks of the Statewide Voter Registration database, Bureau of Motor Vehicles (BMV) database, and the Systematic Alien Verification for Entitlements (SAVE) database to identify any purported

noncitizens on the voter rolls. These checks must be completed twice monthly, and—in violation of federal law—daily in the 46 days prior to an election.<sup>1</sup>

If registrants are identified as potential noncitizens, county election officials are required to send them notices requesting documentary proof of citizenship. If the registrant fails to respond after two notices (with a 14-day response deadline for each notice,) S.B. 153 requires the Secretary of State to cancel their voter registration and refer the individual to the Attorney General for prosecution.

### **Impact on Voters**

Should this bill become law, it would lead to stringent documentary proof of citizenship requirements that have directly resulted in mass disenfranchisement of Republican, Democratic, and independent voters alike. If a documentary proof of citizenship requirement is implemented, many eligible Ohioans across the political spectrum will be prevented from exercising their right to vote simply because they lack the necessary paperwork to satisfy extreme documentation requirements. In Kansas, a similar law that was in effect between 2013 and 2016 erroneously blocked the voter registrations of more than 31,000 U.S. citizens who were otherwise eligible to vote.<sup>2</sup> That is the equivalent of 12% of those seeking to register in Kansas for the first time during that period.<sup>3</sup> The impact was felt most keenly by young and politically unaffiliated voters.<sup>4</sup> Presently, in Arizona, 35,000 voters who have attested to their citizenship nonetheless cannot vote a full ballot because they are unable to provide sufficient documentation to meet the state's burdensome requirement.<sup>5</sup>

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<sup>1</sup> The National Voter Registration Act of 1993 (“NVRA”), 52 U.S.C. § 20507(c)(2), requires states to complete systematic programs intended to remove the names of eligible voters from registration lists no later than 90 days before federal elections, including efforts to remove noncitizens. *See Arcia v. Fla. Sec. of State*, 772 F.3d 1335, 1346 (11<sup>th</sup> Cir. 2014).

<sup>2</sup> John Hanna, *Kansas once required voters to prove citizenship. That didn't work out so well*, Associated Press (Dec. 29, 2024), <https://apnews.com/article/kansas-noncitizen-voting-proof-of-citizenship-50d56a0b8d1f0fde15480aab3db67f4f>.

<sup>3</sup> *Id.*

<sup>4</sup> *Id.*

<sup>5</sup> *Federal Only Voters*, Arizona Citizens Clean Elections Commission, <https://www.azcanelections.gov/federal-only-voters>.

What's more, a recent study estimated that over 9% of voting age citizens (21.3 million people) cannot readily access documentary proof of citizenship.<sup>6</sup> People of color, married people who have changed their names, as well as young and elderly people are more likely to have difficulty in accessing these documents.<sup>7</sup> For example, a nationwide survey found that 34% of voting age-women did not have access to *any* proof of citizenship documents that reflected their current legal name.<sup>8</sup> And even for individuals who *can* access this documentation or produce legal documentation of the name change, such a requirement will transform a simple transaction into a complicated bureaucratic task.

New Hampshire's recent local elections illustrate how burdensome proof of citizenship requirements can be for eligible voters. On March 11, 2025, the state's new proof of citizenship requirement resulted in dozens of individuals being turned away at the polls for lack of citizenship documentation.<sup>9</sup> Only a portion of these voters were able to later return with their documentation and vote, with some even making multiple trips to retrieve documentation.<sup>10</sup> This included several married women whose birth certificates did not match their married names on their current photo ID.<sup>11</sup> At least one eligible voter was forced to track down a marriage certificate explaining her name change history<sup>12</sup>—an unnecessary burden, and a document that many married people in Ohio are also unlikely to be able to readily produce if S.B. 153 is enacted.

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<sup>6</sup> Jillian Andres Rothschild, et. al., *Who Lacks ID in America Today? An Exploration of Voter ID Access, Barriers, and Knowledge*, Center for Democracy and Civic Engagement at the University of Maryland (June 2024), <https://cdce.umd.edu/sites/cdce.umd.edu/files/pubs/Voter%20ID%20survey%20Key%20Results%20June%202024.pdf>.

<sup>7</sup> *Id.*; Ian Vandewalker, *Analysis: The Effects of Requiring Documentary Proof of Citizenship to Register to Vote*, Brennan Center for Justice (July 19, 2017), <https://www.brennancenter.org/sites/default/files/2021-09/Requiring%20Citizenship%20to%20Register%20to%20Vote.pdf>.

<sup>8</sup> *Id.*

<sup>9</sup> Todd Bookman & Josh Rogers, *NH's new ID requirements send some would-be voters home to grab passports, birth certificates*, New Hampshire Public Radio (Mar. 11, 2025), <https://www.nhpr.org/nh-news/2025-03-11/nhs-new-id-requirements-send-some-would-be-voters-home-to-grab-passports-birth-certificates>; Amanda Gokee, *New Hampshire's first big test of a new voter ID law*, Boston Globe (Mar. 13, 2025), <https://archive.ph/TzKev#selection-1617.33-1617.73>.

<sup>10</sup> *Id.*

<sup>11</sup> *Id.*

<sup>12</sup> *Id.*

## **Impact on Election and Law Enforcement Officials**

Setting aside the massive consequences that proof of citizenship requirements can have on individual voters, other states provide valuable lessons in the difficulties inherent in creating and implementing an unnecessary paperwork requirement amongst a complex interconnected system used by officials to administer and run elections. Notably, Scott Schwab, Kansas' Secretary of State and former champion of the state's documentary proof of citizenship requirement as a Republican state legislator, recently warned against other states attempting to implement documentary proof of citizenship requirements.<sup>13</sup>

S.B. 153's new proof of citizenship requirements would certainly draw Ohio into protracted litigation in both state and federal court, creating more confusion about implementation. In fact, as discussed below, in Arizona, the only state where a similar law is currently implemented, the documentary proof of citizenship requirement has been mired in litigation for well over a decade, and election officials have been forced to devote substantial resources to overcome administrative hurdles.

In Arizona, following the passage of Proposition 200 in 2004, the state's implementation of its documentary proof of citizenship requirement has resulted in numerous administrative headaches for state election officials and has cost state taxpayers decades-worth of litigation expenses. The law has created a bifurcated election system where election administrators must print two sets of ballots and maintain two lists of voters, separating those who are eligible to vote in federal elections ("federal only voters") and those who have provided documentary proof of citizenship to vote in state and local elections ("full ballot voters"). Arizona's most recent administrative disaster occurred in October 2024, when approximately 100,000 long-time Arizona full ballot voters were almost denied the right to vote in the state's 2024 elections because the state motor vehicle agency inaccurately indicated they had failed to provide documentary proof of citizenship.<sup>14</sup> State officials later discovered that over 200,000 voters were actually impacted, an even higher number than they'd

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<sup>13</sup> See, Hanna, *supra*, note 2.

<sup>14</sup> Jen Fifiield, *Error with tracking citizenship puts nearly 100,000 Arizona voters' eligibility in limbo*, Votebeat Arizona (Sept. 17, 2024), <https://www.votebeat.org/arizona/2024/09/17/citizenship-proof-records-error-federal-only-voter-registration-eligibility>.

previously thought.<sup>15</sup> While emergency litigation temporarily solved this election administration crisis and allowed these voters to cast ballots in the 2024 election,<sup>16</sup> Arizona's bifurcated system will continue to cause new headaches for election administrators in future elections.

Finally, SB 153 requires that any registered voter who does not respond within fourteen days to two successive citizenship confirmation notices be referred to the Attorney General for investigation and potential prosecution. In addition to potentially causing serious legal consequences for routine mail mix-ups, this provision could overburden Ohio's law-enforcement capacity.

### **Purging Suspected Non-U.S. Citizens Is More Likely to Remove Eligible Voters**

S.B. 153 would require Secretary LaRose and county election administrators to remove from the rolls registered voters who fail to demonstrate their status as United States citizens either because the voter has not provided documentary proof of citizenship or the state possesses stale data about that voter's citizenship status. At the same time, the bill also mandates the sharing of data between the BMV, the SAVE database, and the Secretary of State's Office to assist in verifying United States citizenship. However, nothing in the statute creates any temporal limitation on the use of data from the motor vehicle division to assess a voter registrant's citizenship status. As a result, such a system is likely to discriminatorily target naturalized citizens who received their driver's licenses before becoming U.S. citizens and registering to vote. Unsuccessful attempts by other states to implement systemic removals of suspected non-U.S. citizens are instructive here.

In practice, states' reliance on outdated and stale data to search for alleged noncitizens on the rolls often prevents qualified U.S. citizens from voting. When some states have attempted to use citizenship data maintained by their motor vehicle agencies to conduct voter list maintenance activities, they've relied entirely on stale, outdated citizenship data that does nothing to prevent

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<sup>15</sup> Jerod MacDonald-Evoy, *Number of voters affected by MVD citizenship proof 'glitch' grows to 218,000*, AZ Mirror (Sept. 30, 2024), <https://azmirror.com/briefs/number-of-voters-affected-by-mvd-citizenship-proof-glitch-grows-to-218000/>. This affected group was primarily older voters, who are relatively evenly distributed across party affiliation. The affected voters include 79,000 registered Republicans, 61,000 registered Democrats, and 76,000 voters not registered with either major party.

<sup>16</sup> See *Richer v. Fontes*, No. CV-24-221-SA (Ariz. S. Ct. Sept. 20, 2024).

non-U.S. citizens from voting but conversely targets eligible voters who then face additional voter registration burdens. This occurs because departments of motor vehicles and other similar governmental databases are not designed to track the *current* citizenship status of their customers. For example, if the BMV issues a license to a non-U.S. citizen who shows proof of lawful presence, that person may naturalize as a citizen and lawfully register to vote long before their next interaction with the BMV.

Because the citizenship data tracked by the BMV or other state agencies is immediately stale once voters walk out the door, these types of database matching practices are far more likely to result in eligible U.S. citizens being incorrectly flagged for removal from the voter registration rolls than they are to identify non-U.S. citizens who are improperly registered to vote. This can result in unlawful national origin discrimination, because naturalized U.S. citizens are more likely to be caught up in these unnecessary citizenship verification programs. When Texas used this approach in 2019, its flawed citizenship review program wrongfully flagged tens of thousands of Texas voters for removal and threatened them with civil and criminal penalties when they had done nothing wrong.<sup>17</sup> The state agreed to end its database matching process but still ended up owing plaintiffs \$450,000 in legal fees after litigation was brought by impacted individuals.<sup>18</sup> Nearly identical failures have played out in Florida and Alabama.<sup>19</sup> If S.B. 153 becomes law and Secretary LaRose implements a discriminatory purge program based on stale data, these failed policies and constitutional violations could be regretfully repeated in the Buckeye State.

### **Ohio's Elections Are Already Secure**

Finally, S.B. 153 is a solution in search of a problem. Ohio's elections are safeguarded by strong measures to ensure that only U.S. citizens can, and do, vote. In fact, instances of voting by non-U.S. citizens are nearly nonexistent in

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<sup>17</sup> Alexa Ura, *Texas will end its botched voter citizenship review and rescind its list of flagged voters*, The Texas Tribune (Apr. 26, 2019), <https://www.texastribune.org/2019/04/26/texas-voting-rights-groups-win-settlement-secretary-of-state/>.

<sup>18</sup> *Id.*

<sup>19</sup> *Arcia v. Florida Secretary of State*, 772 F.3d 1335 (11th Cir. 2014); Preliminary Injunction, *United States v. Allen*, Case No. 2:24-cv-1329-AM (N.D. Ala. Oct. 16, 2024).

Ohio<sup>20</sup> and the United States<sup>21</sup> as a whole because of the strict criminal penalties for casting a ballot illegally.<sup>22</sup> The election system in Ohio maintains checks and balances at every step of the way, including regular reviews of voter rolls and post-election audits to ensure that only those who are eligible to vote are casting ballots and that all elections are conducted freely and fairly.

Non-U.S. citizens residing in the United States recognize that breaking the law and attempting to register and vote will threaten their existence in this country, not to mention their freedom. There are simply no incentives for voting as a non-U.S. citizen. Instead, a non-U.S. citizen who tries to submit a voter registration form or cast a ballot in any state faces prison time or deportation.<sup>23</sup> That person would be sacrificing the significant amount of time, money, and resources they've spent to immigrate to and remain in the U.S. for the purpose of casting one ballot. The false specter of illegal voting by non-U.S. citizens should not displace the reality that Ohio's elections are secure. Election officials spend 365 days a year ensuring the fairness and integrity of these systems. Adding an unnecessary and bureaucratic proof of citizenship requirement will only make it more difficult for eligible Ohioans to register or remain on the voting rolls and for the Secretary of State and county election officials to do their jobs.

## **Conclusion**

In sum, S.B. 153 is a misguided effort. The reality is that election officials across the state are already effective at safeguarding our elections and ensuring that any potential fraud or threats to election security are thwarted without the addition of burdensome and unnecessary proof of citizenship requirements. The experiences of other states illustrate how implementation

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<sup>20</sup> Marty Schladen, *Noncitizen voting is very rare in Ohio and America. Not having proof of citizenship isn't.*, Ohio Capital Journal (Mar. 26, 2025), <https://ohiocapitaljournal.com/2025/03/26/noncitizen-voting-is-very-rare-in-ohio-and-america-not-having-proof-of-citizenship-isnt/>.

Nick Evans, *Ohio Sec. of State LaRose flagged more than 520 cases of noncitizen voter fraud. Only one was legit.*, Ohio Capital Journal (Sept. 27, 2023), <https://ohiocapitaljournal.com/2023/09/27/ohio-sec-of-state-larose-flagged-more-than-520-cases-of-noncitizen-voter-fraud-only-one-was-legit/>.

<sup>21</sup> Alex Nowrasteh, *Noncitizens Don't Illegally Vote in Detectable Numbers*, Cato Institute (Nov. 25, 2020), <https://www.cato.org/blog/noncitizens-dont-illegally-vote-detectable-numbers>.

<sup>22</sup> 18 U.S.C. § 611; Mont. Code Ann. §§ 13-35-209, 45-7-201.

<sup>23</sup> Hillel R. Smith, *Immigration Consequences of Unlawful Voting by Aliens*, Congressional Research Service (Sept. 18, 2024), <https://crsreports.congress.gov/product/pdf/IF/IF12767>.



of a proof of citizenship requirement could open a Pandora’s Box of difficulties for Ohio—from administrative nightmares for election officials to lawsuits for unlawful discrimination brought by impacted voters. And inevitably, an onerous proof of citizenship requirement will limit otherwise eligible U.S. citizens of all stripes from having their voices heard in critically important local, state, and federal elections. For the foregoing reasons, we respectfully urge you to oppose S.B. 153. Thank you for your consideration.

Respectfully submitted,

/s/ Kate Hamilton

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