

Senate Bill 153 Interested Party Testimony

Signing a Petition from Ineligible Voters May Be Counted – Which Then Allows Ineligible Voters to Cast Regular Ballots

Thank you Chairperson Roegner, Vice Chairperson Gavarone, Ranking Member Blackshear, and members of the Committee for the opportunity to submit interested party testimony regarding Senate Bill 153 (SB153).

Current state law allows individuals to register to vote and sign a petition on the same day. We also know individuals are registered without verification of eligibility. While SB153 requires petition signers to be registered voters at the time of signing, it does not require those individuals to be verified as eligible voters – meaning US citizens, age 18 or older, and Ohio residents - for their petition signatures to count.

Under SB153, individuals are placed in provisional voting status if their US citizenship cannot be verified or if their ID doesn't match Bureau of Motor Vehicles or Social Security Administration records. These individuals must provide information and their eligibility must be verified before they can cast a regular ballot or have their provisional ballot counted.

Despite these safeguards for voting, these same individuals – whose identity, citizenship, or residency may be unverified – can still sign petitions to amend the Ohio Constitution, and their signatures will be counted.

How many unverified eligible individuals signed petitions that led to the recent constitutional amendments on abortion and marijuana rights? How many signatures from individuals with unverified citizenship, addresses, or identity will be counted toward the proposed Ohio Voters Bill of Rights constitutional amendment?

Even more concerning, a Secretary of State Directive allows provisional voting status to be removed once a petition signature is counted. As a result, any information that was previously required to verify the registrant's eligibility to vote a regular ballot is no longer required – **simply because they signed a petition – even if they were never verified as eligible to vote**. Let me give two troubling examples:

Example 1 - Address Verification Loophole: *Under current law, when a voter registers and their mailed Acknowledgment Notice is returned undeliverable – they are required to correct their address or vote provisionally. Yet, if that individual signs a petition, their signature counts if it matches their registration – **and the requirement to verify their address is dropped**. The voter may now cast a regular ballot despite no evidence of Ohio residency.*

Example 2 - Unverified Identity via BMV Mismatch: *Under SB153, if a voter's driver's license or state ID number does not match BMV records, then they move or change their name, they must correct the ID number or vote provisionally. But again, if they sign a petition, their signature counts if it matches their registration, and **the requirement to resolve the ID mismatch is removed**. They can then vote a regular ballot, without ever verifying their identity or citizenship.*

*NOTE - Under SB153, another loophole exists: If the voter with an unverifiable ID does **not** move or change their address, **they will not be subject to a review of their ID to BMV records that would place the voter in provisional voting status.** They can continue to cast regular ballots and sign petitions – without being required to verify their identity or citizenship – unless they update their registration.*

To address these serious concerns, **an amendment is necessary to prohibit the counting of petition signatures from voters in provisional status at the time of signing**, unless the individual submits the required information to the Board of Elections before the petition is submitted, and the Board of Elections properly verifies and updates the registration, such that the individual is no longer required to vote provisionally. This amendment is essential to prevent petition signatures from being accepted from individuals who are ineligible to vote in Ohio.

We may never know how many ineligible voters' signatures were counted in the constitutional amendment campaigns for abortion and marijuana rights, or how many will be counted in the proposed Ohio Voters Bill of Rights amendment. But what we do know is this: **State legislators must not allow another petition campaign to proceed without ensuring that only individuals who are fully eligible to vote in Ohio have a say in changing its Constitution – the supreme law of the state.**

Thank you for your consideration in this very important matter.

Respectfully Submitted,

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