

# SENATE BILL 153 FALLS SHORT IN ENHANCING OHIO'S CRITICAL INFRASTRUCTURE ELECTIONS

## Interested Party Testimony

May 27, 2025

Good afternoon Chair Roegner and members of the Committee,

I am Gail Niederlehner and I live in Butler County. I appreciate the opportunity to provide interested party testimony on Senate Bill 153 (SB153). I support efforts to safeguard Ohio's elections while advocating for improvements to ensure they are secure, accurate, transparent, and compliant with federal law.

### Concerns Over Gaps in Ohio Election Law

Ohioans are alarmed that state law allows noncitizens and those without a valid ID to register and vote without adequate verification.

While I commend the sponsors for taking steps to safeguard Ohio's elections, this bill contains serious short falls. Without key amendments, SB153 – like HB458 before it – will fail to ensure only eligible citizens register and vote.

### House Bill 458: A Precedent of Incomplete Reform

Enacted in 2023, HB458 was promoted as a strict voter ID law. However, it allows mail-in voting without a photo ID, enabling over a million votes in 2024 without true verification. While it "closed the front door" by requiring photo ID for in-person voting, it "left the back door open" for potential abuse.

### Key Short Falls in SB153

#### #1 Fails to Verify Citizenship Before Registration

SB153 closes the front door by requiring proof of citizenship to vote, but leaves the back door open by not requiring proof of citizenship to register to vote. Over 305,000 noncitizens have valid Ohio IDs and are registered to vote at the BMV unless they sign a form. Without pre-registration verification, the risk of noncitizen registration continues.

#### #2 Fails to Verify Citizenship for All Against Relevant Databases

SB153 closes the front door by requiring a cross-check of ID to BMV records verifying citizenship, but leaves the back door open by not requiring a similar cross-check of SSN registrations. In 2024 alone, 62,000 registered this way, and 900,000 in the last 14 years. Due to the lack of relevant database access, voters and election officials are unnecessarily burdened with handling proof of citizenship documents, increases the risk of noncitizens remaining incorrectly verified.

#### #3 Fails to Verify Citizenship Unless There is a Name or Address Update

SB153 closes the front door by requiring citizenship verification of all new and existing registrants with BMV records, but leaves the back door open by failing to verify citizenship of voters with SSN, invalid IDs, or no ID unless they change their name or address. In 2024 alone, 39,000 voters registered using invalid SSN information – under SB153, none of them are subject to citizenship verification unless they change their name or address.

#### #4 Fails to Require Adequate Proof of Citizenship Documents

SB153 closes the front door by requiring a proof of citizenship to vote, but leaves the back door open by accepting expired and out-of-state documents - rubberstamping verification by sight inspection without cross-checking relevant databases.

#### **#5 Fails to Conduct a Comprehensive Monthly NonCitizen Review**

SB153 closes the front door by requiring a recurring review to identify noncitizens with BMV records, but leaves the back door open by failing to identify noncitizens registered with SSN, invalid ID numbers, or no ID – without checking relevant databases.

#### **#6 Fails to Comply with Federal Identity Verification Requirements**

SB153 closes the front door by requiring new registrants with an invalid ID to vote provisional, but leaves the back door open by allowing persons with invalid IDs to register to vote – contrary to the Help America Vote Act (HAVA) that requires applicants register with their valid driver's license or state ID if they have been issued one, or SSN if not.

#### **#7 Fails to Provide Boards of Elections Access to Authoritative Data**

SB153 closes the front door by requiring Boards of Elections (Boards) to verify identity and citizenship to vote, but leaves the back door open by allowing a sight inspection of a copy of proof of citizenship without access to databases or true verification. Additionally, under HAVA, Boards must 'verify' provisional voters - yet lack the tools to do so adequately.

#### **#8 Fails to Require a Verified Birth Date to Vote**

SB153 closes the front door by placing registrants with invalid IDs in provisional status, but leaves the back door open by allowing provisional votes to count from voters with an invalid birth date, including January 1, 1800.

#### **#9 Fails to Require Petition Signer's to be Eligible to Vote a Regular Ballot**

SB153 closes the front door by requiring petition signers be registered when signing, but leaves the back door open by allowing signatures to count without eligibility verification - such as those with invalid IDs. In addition, a Secretary of State directive clears all registration issues once a petition signature is accepted, permanently bypassing verification.

#### **Conclusion**

SB153 As Introduced does not provide sufficient safeguards to ensure only eligible citizens vote in Ohio elections. However, its weaknesses can be addressed through targeted amendments. My written testimony outlines these short falls and offers practical, amendment-based solutions.

Numerous Interested Parties provide testimonies detailing concerns and meaningful amendments. We urge you to adopt the amendments to help secure Ohio's elections. Without them, SB153 will follow the path of HB458 - closing the front door while leaving the back door open to ineligible persons continuing to register and vote in Ohio.

Thank you for your attention to these important issues. As both Senator Gavarone and Secretary LaRose have rightly stated, even one illegal vote is too many.

## SB153 Falls Short in Enhancing Ohio's Critical Infrastructure Elections

1. **Lack of Verification Tools:** Boards of Elections (Boards) lack access to databases needed to verify voter identity or eligibility - including US citizenship - contrary to President Trump Executive Order (EO) 14248
2. **No Identity or Eligibility Verification BEFORE Registration:** All voter registrations are added to the voter rolls without confirming identity or eligibility - including US citizenship contrary to both SOS LaRose Press Release 8/29/2024 and President Trump EO 14248
3. **Lack of equal treatment under the law:** Voters who register using a driver's license or state id number (DL/ID) are verified for citizenship through Bureau of Motor Vehicle (BMV) records without having to provide documentary proof of citizenship (DPOC); however, voters who register using the last four digits of social security number (SSN4) must provide DPOC even though citizenship could be verified through Social Security Administration (SSA) records
4. **Noncompliance with Federal Law:** Fails to meet HAVA verification standards to process a voter registration, which requires a valid DL/ID; SSN4 may only be used if no valid ID is available [52 U.S. Code § 21083]
5. **Petition Signature Loophole:** Voters not verified as eligible to vote may sign petitions, and under a SOS directive, the registration is reactivated without ever resolving the underlying eligibility issues, such as an invalid ID
6. **Inconsistent Documentary Proof of Citizenship (DPOC) Verification:** SOS uses undisclosed sources to verify DPOC pre-election, while poll workers and Boards must rely on a visual inspection without access to authoritative databases
7. **Limited Use of Available Citizenship Data:** Only BMV records are screened with DHS Systematic Alien Verification for Entitlements (SAVE) used for confirmation; new and existing voters who registered using SSN digits are excluded from this process and must provide DPOC. President Trump's EO 14248 directed the Commissioner of Social Security to make available all relevant federal databases to all state and local election officials.
8. **Lack of Training on DPOC Review:** Election officials and poll workers are not required to be trained to identify or authenticate citizenship documents
9. **No Provisional Ballot for Unverified Citizens:** Voters without verified citizenship may cast regular ballots if they bring DPOC to the polls – placing an unreasonable burden on temporary poll workers to correctly authenticate
10. **Expired Documents Accepted as Verified Proof of Citizenship:** Expired driver's licenses and passports are accepted as verified DPOC, which is inconsistent with private-sector standards and President Trump EO 14248
11. **Out-of-State Licenses Accepted as Verified Proof of Citizenship:** Non-Ohio driver's licenses are accepted as verified DPOC, despite inconsistent citizenship standards across states
12. **No Verification for DPOC Copies Against Official Records:** Copies of proof of citizenship are not verified with source databases, increasing the risk of accepting invalid documents as verified proof of citizenship
13. **No Hearing Process:** No remedy for individuals claiming US citizenship but lacking acceptable DPOC
14. **No Backup Citizenship Database Check:** Lacks a safeguard to correct BOE errors in verifying citizenship
15. **No BOE Authority to Cancel Noncitizens:** Boards are statutorily responsible for managing local voter rolls, but cannot cancel registrations for unverifiable citizens; the SOS centralizes this operation, with no requirement to update local records accordingly
16. **No Tracking of Citizenship Sources:** Fails to record which data source was used to verify citizenship, reducing transparency and accountability
17. **No Prior Registration Cancellation Authorization:** Updated registration forms do not clearly authorize the cancellation of a voter's previous Ohio registrations
18. **No Signature Mismatch Notification:** Boards are not required to notify voters if cancellation requests are denied due to a signature mismatch with a previous registration
19. **Inconsistent Provisional Ballot Standards:** Does not ensure all issues causing a voter to be flagged as provisional be resolved before the provisional ballot indicator is removed from a voter registration record

# Proposed SB153 Amendments to Enhance Ohio's Critical Infrastructure Elections

1. **Verify Eligibility Before Registration:** All new voter registration applicants must have their identity and eligibility verified - including US citizenship - before being added to the voter rolls.
  - Fulfills SOS LaRose public requests in August 2024 to verify US citizenship before adding voters to the voter rolls
  - Aligns with President Trump Executive Order (EO) 14248
  - Complies with federal HAVA law by validating a driver's license if the applicant has one [52 U.S. Code § 21083]
2. **Require Use of Relevant Databases:** All new voter registration applicants must be verified as eligible to vote using the Ohio BMV database, Social Security Administration (SSA) database, and other applicable federal and state databases. This aligns with President Trump EO 14248 directing the SSA Commissioner to make available the SSA database and other relevant federal databases to all state and local election officials.
3. **Verify Eligibility of All Existing Registrations:** Upon implementation, all existing voter registrations must be reviewed – not just those with a BMV record or changes in name or address as in the current bill. Verification must include identity and eligibility (including citizenship), using BMV, SSA and other relevant databases.
4. **Verify Copies of Citizenship Documents Against Databases:** Copies may be easily falsified with modern technology. Before acceptance, copies of DPOC must be cross-verified with relevant federal or state databases to confirm authenticity.
5. **Grant Boards Access to Verification Databases:** Require BOE access to BMV, SSA and DHS SAVE databases to verify identity and eligibility - including citizenship - of applicants and those already registered . Under federal HAVA law, Boards are required to “verify” information provided by provisional ballot voters. This includes verifying a copy of documentary proof of citizenship (DPOC). Boards must be provided with the appropriate tools to legally fulfill their responsibilities.
6. **Close the Petition Signature Loophole:** Prohibit counting petition signatures from individuals who are not verified as eligible voters. Voters in provisional status must provide valid information for their ballot to count, yet petition signatures to potentially change Ohio's Constitution are currently counted, even if the individual is not verified as eligible to vote.
7. **Disallow Expired or Out-of-State IDs as Proof of Citizenship:** Expired driver's licenses, state IDs and passports should not be accepted as valid proof of citizenship, along with other states' driver's licenses, as they cannot be reliably verified. This aligns with President Trump EO 14248.
8. **Codify Training of Boards on Recognizing Valid Citizenship Documents:** BOE officials must be trained to identify the authenticity of the various documents that prove citizenship.
9. **Prohibit Visual Verification of Proof of Citizenship by Poll Workers:** Temporary poll workers should not be responsible for verifying documents presented as proof of citizenship. Verification should be conducted by properly trained BOE officials.
10. **Establish a Hearing Process for Individuals Lacking Acceptable DPOC:** Individuals claiming US citizenship but lacking acceptable documentation should be able to provide alternative evidence of citizenship.
11. **Implement Monthly Voter Roll Reviews to Confirm Citizenship:** Require the SOS to conduct monthly reviews of all registered voters by cross-referencing relevant **federal** databases and hearing determinations to ensure accurate citizenship verification. If a registrant's citizenship has been previously verified in an earlier monthly review, they are exempt from further reverification.
12. **Authorize Boards to Cancel Unverified Registrations:** Responsibility for canceling registrations of voters whose citizenship cannot be verified should rest with the Boards, not the SOS. The SOS will provide oversight to ensure compliance.
13. **Update Registration Forms to Include Cancellation of Prior Registrations:** Ensure all registration and update forms clearly authorize cancellation of any prior Ohio voter registrations.
14. **Notify Voters if Cancellation Requests are Denied:** Require Boards to notify voters if registration cancellation requests are denied due to a signature mismatch with a previous registration.
15. **Maintain Accurate Provisional Voting Status:** A voter's provisional status must not be lifted unless all underlying issues have been resolved.
16. **No Unfunded Mandate:** Necessary improvements to Ohio's critical infrastructure elections should not be funded by Boards