

Testimony of William Schuck
on SB 153 (136 GA)
Senate General Government Committee
May 27, 2025

Thank you for the opportunity to comment on SB 153. I am William Schuck, a Columbus resident, testifying as a private citizen. I don't represent any other party and am not compensated for this testimony.

Verification of voter citizenship is needed. SB 153 contains many good provisions. I'm testifying as an Interested Party to suggest improvements.

Citizenship Verification

SB 153 (lines 1294-1296) requires voter rolls to include the date on which a voter's U.S. citizenship is first verified. I suggest including, as confidential information, a copy of the document or identify the source of data used to verify citizenship. This would provide a permanent record that election officials can consult if a citizenship question arises in the future, but wouldn't expose private personal information to the public. Include in the public record the type of document or source of data used for verification (e.g., birth certificate, passport, BMV data), but not the document number or other individual identifiers.

Non-Citizen Review

Comparing BMV and SAVE data (SB 153 lines 1592-1606) improves the non-citizen review, but more can be done. Federal officials are seeking to expand and correlate various federal databases, and other sources of information exist and may become available in the future. The following changes are suggested:

- Require election officials to use whatever reliable documents and data are available, as prescribed by the Secretary of State, to review the citizenship of everyone on voter rolls. Remove all confirmed non-citizens, and mark as provisional those whose citizenship hasn't been ascertained.
- Require public agencies that process voter registrations in addition to non-election duties, including those named in Section 3503.15(B)(1) (SB 153 lines 1355-1368), to obtain citizenship information as a condition of providing service (not as part of voter registration). Send the information to election officials according to Secretary of State rules or agreements and include it in the non-citizen review. This will (potentially) add data not in the BMV database. It works for BMV, so can work for other agencies.

Registration

HAVA (52 USC 21083(5)(a)) requires a registration for federal elections to include the number of a current and valid a driver's license number (if one exists). SSN4 is secondary to this number, not an alternative to or substitute for it. SB 153 goes partway toward complying with this requirement. The following changes are suggested:

- Saying SSN4 may be used if the voter does not "have" a driver's license/state ID (SB 153 line 1088) can be interpreted to mean the voter doesn't physically possess his/her driver's license/state ID when registering. To eliminate confusion, say if the voter "has been issued" a driver's license/state ID. Use the same language elsewhere as applicable.

- If there isn't a driver's license/state ID, require another form of current and valid photo ID.
- Require SSN4 in all cases (if one has been issued). Widespread theft and use by non-citizens of social security numbers impair the reliability of SSN4 as an identifier, but it can be useful when confirmed by other data.
- In ORC 3503.201(A) (SB 153 lines 2239-2247): (1) state that an application is incomplete if any required information isn't provided to or obtained by election officials; (2) notify an applicant of any deficiency and how to correct it; (3) require election officials to make a reasonable effort to verify the existence, completeness, and accuracy of required information; (4) register/update if this verification is achieved; (5) reject an application if the applicant is verified ineligible or missing required information isn't provided to or obtained by election officials within a specified time (say, 30 days). This approach places eligible applicants on voter rolls, keeps ineligible applicants off voter rolls, and saves later effort to clean voter rolls.

Absentee Ballots

Currently, voters can apply for and cast an absentee ballot with just SSN4. SB 153 requires a driver's license/state ID number or, if a voter "does not have" a driver's license/state ID, SSN4 or photo ID (lines 3391-3396, 3485-3498, 4270-4276, 4350-4356, 4513-4536). This is deficient for the reasons previously stated. The following changes would strengthen the bill:

- Adapt to absentee ballot procedures (as appropriate) the changes suggested above for registration.
- For uniformity, make corresponding changes at lines 3553-3560, 3887-3892, and 4769-4779.

Provisional Status

Why does SB 153 exempt federal write-in absentee ballot (FWAB) voters from provisional status based related to proof of citizenship (lines 2262-2268, 2434-2440, 2628-2630, 4470-4476, 4850-4859)? This isn't required by federal law; with certain exceptions not relevant here, UOCAVA (52 USC 20303(b)) leaves FWAB acceptance and processing up to state law. SB 153 allows UOCAVA voters to apply for an absentee ballot with only SSN4 (lines 4351-4356), yet overseas voters not in the military or government service are least subject to elections oversight and accountability. To cast a FWAB, no proof is needed that the voter didn't receive the absentee ballot for which he/she applied. A FAWB voter has the same notice of need to prove citizenship as other voters and has the same opportunity as other provisional voters to provide proof of citizenship. Removing this exception will improve election integrity and not unduly burden FWAB voters.

Two drafting corrections related to provisional status are needed to eliminate overbreadth. In line 2305, after "ballot" insert "by reason of unconfirmed citizenship". In line 2339, delete "under this division" and insert "by reason of unconfirmed address".

Voter Assistants

To prevent ballot harvesting and increase accountability in delivery of ballots by voter assistants, add the following provisions to Section 3509.05(D) (SB 153 lines 3631-3690):

- Require a voter assistant to be an Ohio resident who is at least 18 years old, to timely deliver ballots with which he/she is entrusted, and upon delivery present photo ID that confirms his/her identity.

- Limit a voter assistant to delivering one ballot (or two ballots) in a given election, and include that affirmation on the voter assistant attestation.
- Require a ballot to be accompanied by a Secretary of State form that explains voter assistant requirements and responsibilities, names the voter assistant, states the relationship of the voter assistant to the voter, authorizes the voter assistant to deliver the voter's ballot, and is executed by the voter.
- If a ballot is timely delivered by a voter representative but any of these requirements isn't met, accept and process the ballot as a provisional ballot. This will provide an opportunity to cure the defect.
- To enable a voter to ascertain if his/her ballot was timely delivered, require a Board of Elections to give a voter assistant a receipt for ballots delivered and post such receipts online by the end of the day, and require a voter assistant to give the receipt to the voter upon request.

Thank you for your attention. I'm happy to take questions.