

Senate bill 153 Interested Party Testimony Lack of Hearing Process

Chairperson Roegner and Members of the Committee:

Thank you for the opportunity to provide written interested party testimony on Senate Bill 153. While I appreciate the intent of SB153 to ensure that only eligible citizens vote, I urge the committee to consider an essential amendment: the inclusion of a formal hearing process for individuals who assert they are U.S. citizens but lack a traditional proof of citizenship document.

As currently written, SB153 provides no remedy or appeal process for individuals who believe they are US citizens, but cannot verify it through traditional documentation or centralized databases. This gap poses serious due process concerns and risks disenfranchising citizens who, for various legitimate reasons, lack standard documents such as birth certificates or naturalization records in searchable databases.

To protect the fundamental right to vote, an amendment to SB153 is proposed to establish a hearing procedure that includes the following:

1. Any applicant or registrant who asserts they are a U.S. citizen, but whose citizenship cannot be verified through conventional documentary evidence or electronic databases, may make a written request on a form prescribed by the Secretary of State to the Board of Elections requesting a hearing to determine the individual's citizenship. The request shall be accompanied by a sworn affidavit under penalty of perjury that the individual is a US citizen and eligible to vote in Ohio elections.
2. At the hearing, the individual may retain counsel, testify, present evidence, and call witnesses. Testimony will be under oath.
3. The Board of Elections will conduct an investigation to determine the truth or falsity of the matter, including checking all relevant databases and may subpoena witnesses. Third parties may present sworn testimony and evidence relevant to the matter.
4. Following the hearing, the Board of Elections promptly shall make a determination, by majority vote, whether the individual, by a preponderance of the evidence, is a United States citizen.

Denying individuals a fair opportunity to establish their citizenship—especially when they sincerely believe they are U.S. citizens—diminishes the values upon which our electoral system is built. A narrowly tailored hearing process is a reasonable, lawful safeguard that ensures eligible citizens are not excluded from voting simply because their records do not appear in a government database.

This amendment would strike a careful balance between maintaining election integrity and protecting individuals' access to the ballot. I respectfully urge you to support the inclusion of this hearing process in SB153.

Thank you for your attention to this matter.

Sincerely,

Dan Niederlehner
Butler County