



OHIO LEGISLATIVE SERVICE COMMISSION

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To: The Honorable Theresa Gavarone
Ohio Senate

From: Emily E. Wendel, Attorney *EEW*

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Subject: Comparison of S.B. 153, As Introduced, and Sub. S.B. 153 (I_136_0673-8)

This table summarizes how the latest substitute version of the bill differs from the immediately preceding version. It addresses only the topics on which the two versions differ substantively. It does not list topics on which the two bills are substantively the same.

S.B. 153 As Introduced	Sub. S.B. 153 I_136_0673-8
Verifying electors' U.S. citizenship	
<p>Defines “proof of citizenship” as evidence that an individual is a U.S. citizen, in the form of one of the following:</p> <ul style="list-style-type: none"> The number of the individual’s current or expired Ohio driver’s license or state ID card (Ohio DL/ID), if the Secretary of State (SOS) verifies using Bureau of Motor Vehicles (BMV) records that the individual has submitted citizenship documentation to the BMV; 	<p>Same as As Introduced, but:</p> <ul style="list-style-type: none"> Eliminates an individual’s ability to provide an expired Ohio DL/ID, U.S. passport, or passport card. Eliminates an individual’s ability to provide an out-of-state driver’s license or nondriver ID card. Allows an individual who has applied to U.S. Citizenship and Immigration Services for a replacement certificate of naturalization or

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<ul style="list-style-type: none"> ▪ The individual’s current or expired Ohio DL/ID issued on or after April 7, 2023, or a copy of it, if it does not include a notation designating that the individual is not a U.S. citizen; ▪ The individual’s current or expired driver’s license or nondriver ID card from another state, or a copy, if the issuing agency indicates that the individual is a U.S. citizen; ▪ The individual’s birth certificate, certification of report of birth, or consular report of birth abroad, or a copy; ▪ The individual’s current or expired U.S. passport or passport card, or a copy; ▪ The individual’s certificate of naturalization or certificate of citizenship, or a copy. <p><i>(R.C. 3501.01)</i></p> <p>Requires a board of elections that determines that an applicant appears not to be eligible to vote to reject the form and refer the matter to the county prosecutor for investigation. <i>(R.C. 3503.201)</i></p> <p>Requires that when a board of elections processes a voter registration or update form, the board must immediately place the elector in provisional ballot status until the elector’s U.S. citizenship has been verified, unless the SOS or a board of elections has previously verified the elector’s citizenship.</p> <p>Requires the SOS to attempt to verify the elector’s citizenship using the BMV database and the federal Systematic Alien Verification for Entitlements (SAVE) database, as described below.</p>	<p>certificate of citizenship to provide the individual’s I-797 Notice of Action indicating that the application has been approved. <i>(R.C. 3501.01)</i></p> <p>Requires the board instead to refer to the matter to the Election Integrity Unit. <i>(R.C. 3503.201)</i></p> <p>Same as As Introduced but delays the application of those provisions of the bill until 18 months after the bill takes effect. <i>(R.C. 3503.201, 3503.202, 3505.181, 3505.182, 3505.183, and 3511.052; Section 4 of the bill)</i></p>

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<p>If the elector’s citizenship is verified, requires the board to remove the elector from provisional ballot status and notify the elector that the elector’s citizenship has been verified.</p> <p>If the SOS cannot verify the elector’s citizenship, requires the elector to either provide proof of citizenship to the board before the elector next votes or to cast a provisional ballot and provide proof of citizenship to the board by the fourth day after the election in order to have the ballot counted. <i>(R.C. 3503.201, 3503.202, 3505.181, 3505.182, 3505.183, and 3511.052)</i></p> <p>Modifies the current law process for the SOS to review the Statewide Voter Registration Database (SWVRD) to identify apparent non-U.S. citizens.</p> <p>Requires the SOS to conduct certain searches of the BMV database and SAVE on a monthly basis, and daily during the 46 days before an election.</p> <p>Requires that, when the SOS verifies that a person is a U.S. citizen, the board of elections must note that fact in the person’s registration record and remove any provisional ballot status.</p> <p>Requires the board to send each person identified as an apparent noncitizen a confirmation notice and to require the person to cast a provisional ballot.</p> <p>Requires the SOS to cancel the person’s registration and refer the person to the Attorney General for investigation and possible prosecution if the person does not respond to two confirmation notices within 28 days. <i>(R.C. 3503.152 and 3503.202)</i></p>	<p>Requires more generally that the SOS consult the BMV database and SAVE to verify persons’ U.S. citizenship.</p> <p>Eliminates a current-law requirement that a person have submitted noncitizen documentation to the BMV both before and after registering to vote or voting in order to be identified as a potential non-U.S. citizen.</p> <p>If the SOS determines that a person is not a U.S. citizen, requires the board of elections promptly to cancel the person’s registration and send the person a notice, instead of sending a confirmation notice and requiring the person to cast a provisional ballot.</p> <p>Requires the SOS to refer the person to the Election Integrity Unit, instead of the Attorney General, for investigation.</p> <p>Beginning 18 months after the bill takes effect:</p> <ul style="list-style-type: none"> ▪ Requires the SOS conduct the citizenship reviews on a monthly basis and daily during the 46 days before an election. ▪ Requires that, when the SOS verifies that a person is a U.S. citizen, the board of elections must record that fact in the

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<p>Requires the provisional ballot form to include a list of the acceptable forms of proof of citizenship. <i>(R.C. 3505.182 and 3511.052)</i></p> <p>Requires a board of elections that receives proof of citizenship from an elector to securely transmit an electronic copy of it to the SOS for the SOS to confirm whether it is valid. <i>(R.C. 3503.202)</i></p>	<p>person's registration record and remove any provisional ballot status.</p> <ul style="list-style-type: none"> Requires that, when the SOS is <i>unable to determine</i> whether a person is a U.S. citizen, the board must send the person a confirmation notice and require the person to cast a provisional ballot. <p><i>(R.C. 3503.152, 3503.21, and 3503.202; Section 4 of the bill)</i></p> <p>Requires the election officials to give a provisional voter who needs to provide proof of citizenship a copy of that list. <i>(R.C. 3505.182 and 3511.052)</i></p> <p>Requires the board to determine whether an elector's proof of citizenship is valid. <i>(R.C. 3503.202)</i></p>
Voter roll maintenance, generally	
<p>Requires the SOS to compare the information in the SWVRD against the databases of the BMV and the U.S. Social Security Administration (SSA) to generate regular reports of each voter registration record that appears to have a missing or incorrect Ohio DL/ID number or Social Security number (SSN-4), or that has an outdated residence address.</p> <p>Requires the board of elections to send each elector identified under that process a confirmation notice and require the elector to cast a provisional ballot. <i>(R.C. 3503.151 and 3503.202)</i></p>	<p>Same as As Introduced, but:</p> <p>Removes the bill's requirement that an elector be sent a confirmation notice and cast a provisional ballot on the basis that the person's voter registration address and the person's address on file with the BMV do not match.</p> <p>Requires more generally that SOS provide information to the boards about BMV or SSA mismatches with an elector's first name, last name, date of birth, Ohio DL/ID number, or SSN-4. <i>(R.C. 3503.151 and 3503.202)</i></p>

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No provision.	<p>Requires the SOS to send the boards of elections regular reports of electors who have voted in another state after they registered to vote or updated their registrations in Ohio.</p> <p>Requires the board promptly to cancel the elector’s registration. <i>(R.C. 3503.151 and 3503.21)</i></p>
No provision.	<p>Requires the SOS to send the boards of elections monthly reports of electors who have died, based on information from the SSA and the State and Territorial Exchange of Vital Events (STEVE), in addition to records from the Ohio Department of Health, as under current law.</p> <p>Requires the board promptly to cancel the elector’s registration. <i>(R.C. 3503.18 and 3503.21)</i></p>
No provision.	<p>Requires a board of elections to cancel a voter registration if the board determines that the elector is a fictitious person.</p> <p>Requires the board to cancel a voter registration if the board determines that it is a duplicate.</p>
Allows an elector’s registration to be canceled only for the reasons listed in R.C. 3503.21 or elsewhere in the Election Law. <i>(R.C. 3503.21)</i>	Allows the election officials to cancel an elector’s registration for other reasons not listed in R.C. 3503.21 or elsewhere in the Election Law.
No provision.	<p>Requires that any time a board of elections cancels an elector’s registration, the board must send the elector a written notice on a form prescribed by the SOS that includes the reason for the cancellation and an instruction to contact the board if the cancellation was made in error.</p> <p>Specifies that when any voter registration is canceled in error, it must be restored and treated as though it were never canceled. <i>(R.C. 3503.21)</i></p>

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Absent voting	
<p>Requires every absentee ballot return envelope to include an Intelligent Mail barcode through the U.S. Postal Service’s tracing service so that the board can determine when the envelope was submitted for mailing.</p> <p>Allows a ballot to be counted based on information from the barcode if the ballot has no postmark, has a late postmark, or is postmarked using a postage meter. <i>(R.C. 3509.04 and 3509.05)</i></p>	<p>No provision.</p>
Election petitions	
<p>Requires that a person who signs an election petition be registered to vote at the address shown on the petition as of the date of signing, instead of as of the date the petition is filed with the election officials.</p> <p>Requires each board of elections to send the SOS a daily snapshot of its voter registration records every business day to make it possible for the boards to determine an elector’s eligibility as of the signature date. <i>(R.C. 3503.38 and 3503.15)</i></p> <p>For purposes of all requirements regarding compensated petition circulators, such as the bill’s requirement that they wear badges identifying them as paid circulators, specifies that a person is</p>	<p>Same as As Introduced but also makes changes related to the current 30-day blackout period before an election, during which the boards of elections do not process voter registration forms, to account for the waiting time for a person who registers during that period and then wishes to sign a petition.</p> <p>Requires that, if an applicant registers to vote during that period, the election officials must record the applicant’s registration date as the day after Election Day, instead of the day the form is ultimately processed.</p> <p>Adds notices to Ohio’s paper and online voter registration forms that if the applicant submits the form during that period, the form will not be processed until after the election. <i>(R.C. 3503.38, 3503.14, 3503.15, and 3503.20)</i></p> <p>Same as As Introduced, but creates an exception for a person who has been given or promised, or has received, only the following and not any cash or cash equivalent:</p> <ul style="list-style-type: none"> ▪ Meals or other food or beverages;

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<p>considered to be compensated for taking an action if any of the following apply:</p> <ul style="list-style-type: none"> ▪ The person has been paid, given, or promised, or has received, any money or other thing of value; ▪ The person is authorized to take the action as part of the person’s regular duties as an employee or contractor; ▪ The person has been given or promised, or has received, an appointment, promotion, contract, or pay raise or assistance to obtain an appointment, promotion, contract, or pay raise. <p><i>(R.C. 3503.381 and 3517.12)</i></p> <p>No provision.</p>	<ul style="list-style-type: none"> ▪ Transportation to or from the location where the action is taken; ▪ Items of tangible personal property that are not of substantial marketable value. <p>Requires that, when a person donates those exempted items to be given to circulators, the petition committee for a statewide initiative or referendum petition still must report the donor’s name and address and the amount of the contribution as under current law. <i>(R.C. 3503.381 and 3517.12)</i></p> <p>Creates a new formal procedure for bringing a protest against a candidacy or petition or the decision of the election officials that a candidacy or petition is invalid, other than a protest involving a statewide initiative or referendum petition, which must be filed in the Ohio Supreme Court.</p> <p>Requires the protest to be filed on a form prescribed by the SOS and signed under penalty of election falsification.</p> <p>Requires the election officials to invalidate a candidacy, petition, part-petition, or signature only if they find clear and convincing evidence that it is invalid.</p> <p>Requires the election officials to dismiss the protest without a hearing if they determine that clear and convincing evidence does not support the protest. <i>(R.C. 3501.39 and 3501.391 and conforming changes in R.C. 3513.041, 3513.05, 3513.262, 3513.263, 4301.33, 4301.331, 4301.332, 4301.333, 4301.334, and 4305.14)</i></p>