

Ohio Senate General Government Committee

Written Testimony of Kevin C. O’Neil

Opponent on Senate Bill 293

November 5, 2025

Good morning, Chair Roegner, Vice Chair Gavarone, Ranking Member Blackshear, and members of the Senate General Government Committee. My name is Kevin C. O’Neil and I am presenting written testimony in opposition to Senate Bill 293.

I am an attorney and have practiced law for 44 years. I have volunteered, lectured and submitted testimony before the Ohio Senate and House on issues involving voting rights for Ohioans. All my voter advocacy work is pro bono.

I urge you to table or vote “No” on SB 293.

The reason this Committee is even considering the proposed SB 293¹ is that President Donald Trump signed an executive order on March 25, 2025 (Trump Election EO) that seeks to enforce federal law against counting absentee ballots after election day.²

The Trump Election EO was first enjoined by a federal court and the court more recently ruled that the Trump Election EO to be “based on unsubstantiated claims of fraud...” and “... was an attempted overreach of power, bypassing the Constitution’s clear allocation of authority to Congress and the states to set election rules, Our democracy is strongest when every eligible voter can register and vote free from expensive and unnecessary requirements.”³

This exact issue, whether the federal election-day statutes preempt state law that allows ballots that are cast by federal election day to be received by election officials after that day, is currently on Writ of Certiorari to the U.S. Supreme Court in *Michael Watson, Mississippi Secretary of State, Petitioner v. Republican National Committee, et al.*⁴ Given this, it is premature, and likely a waste of time, for this Committee to even consider SB 293. We should know shortly whether the U.S. Supreme Court will grant the Writ, and if granted, this Committee should wait until there is a decision before taking any action.

¹ <https://ohiosenate.gov/legislation/136/sb293>

² <https://www.democracymocket.com/news-alerts/mississippi-asks-sctus-to-restore-mail-in-ballot-grace-period-after-gop-bid-to-kill-it/>

³ <https://thehill.com/regulation/court-battles/5584305-judge-blocks-trump-proof-citizenship/>

⁴ [https://www.supremecourt.gov/DocketPDF/24/24-](https://www.supremecourt.gov/DocketPDF/24/24-1260/362512/20250606130022508_Watson%20v.%20RNC%20Petition%20and%20Appendix.pdf)

1260/362512/20250606130022508_Watson%20v.%20RNC%20Petition%20and%20Appendix.pdf

Senator Gavarone has stated “[a]llowing ballots to be delivered days after the election does nothing but hurt the integrity and credibility of our elections.”⁵ This even though Gavarone and Ohio Secretary of State have stated over and over that Ohio elections are the “Gold Standard,” after audits have a “99.99% accuracy rate,” and “routinely produce problem-free elections.”⁶

In reality, not allowing ballots properly processed within the four business days following election day, serves to directly disenfranchise many voters, including importantly overseas Ohioans serving in the military.

According to state data, about 17,000 of the more than one million Ohioans who voted by mail in 2024’s presidential election were military.⁷ Overall, nearly 10,000 ballots came in during the four days after the election.⁸ Overseas Ohioans including persons serving in the military are already time pressed to vote and return their ballots. It takes three to four weeks to return a ballot by mail from overseas.⁹ Proposing to eliminating the four days is unconscionable, and had it been in effect in 2024’s presidential election, would have stolen the right to vote from 10,000 Ohioans.

Gavarone, who is proposing SB 293, stated

“[s]ome people seem to have the opinion that a little bit of voter fraud is fine or just the cost of doing business, ... Not me.”¹⁰

That sounds pretty hollow when it’s compared to disenfranchising 10,000 Ohioans from their right to vote, especially if they are overseas military personnel.

I urge you to table or vote “No” on SB 293.

⁵ <https://www.cleveland.com/news/2025/10/gop-senators-move-to-eliminate-mail-in-ballot-grace-period-before-2026.html>

⁶ <https://www.congress.gov/119/meeting/house/118099/witnesses/HHRG-119-HA08-Bio-LaRoseF-20250408.pdf>;
<https://www.congress.gov/119/meeting/house/118099/witnesses/HHRG-119-HA08-Wstate-LaRoseF-20250408.pdf>;
<https://www.ohiosos.gov/media-center/press-releases/2025/2025-07-16/>;
<https://ohiocapitaljournal.com/2025/06/03/ohio-republicans-using-fake-noncitizen-voting-problem-as-a-false-pretext-to-make-it-harder-to-vote/>.

⁷ <https://ohiocapitaljournal.com/2025/10/22/ohio-gop-proposes-restrictions-on-mail-in-ballot-deadline-prompting-concern-from-veterans/>

⁸ <https://ohiocapitaljournal.com/2025/10/22/ohio-gop-proposes-restrictions-on-mail-in-ballot-deadline-prompting-concern-from-veterans/>

⁹ <https://ohiocapitaljournal.com/2025/10/22/ohio-gop-proposes-restrictions-on-mail-in-ballot-deadline-prompting-concern-from-veterans/>

¹⁰ <https://www.cleveland.com/news/2025/10/gop-senators-move-to-eliminate-mail-in-ballot-grace-period-before-2026.html>