



www.lsc.ohio.gov

OHIO LEGISLATIVE SERVICE COMMISSION

Office of Research
and Drafting

Legislative Budget
Office

H.B. 577
136th General Assembly

Bill Analysis

Version: As Introduced

Primary Sponsor: Rep. Ferguson

Emily E. Wendel, Attorney

SUMMARY

Photo ID for absent voting by mail

- Requires a person who votes by mail to include a copy of the voter's photo ID with the voted ballot when returning it to the board of elections.
- Allows a voter who lacks a photo ID because the voter has a religious objection to being photographed instead to submit an affidavit to that effect.
- Prohibits the Secretary of State or a board of elections from disclosing a copy of a voter's photo ID as a public record.
- Requires the Secretary of State to prescribe procedures for the Secretary's office and the boards of elections to store and dispose of electronic files and physical documents that contain electors' confidential information to prevent disclosure to the public.
- Provides methods for an elector to receive a free copy of the elector's photo ID through the Secretary of State, a board of elections, the Bureau of Motor Vehicles (BMV), a library, a school, or a government agency.
- Requires the Registrar of Motor Vehicles to operate a homebound identification program to provide state ID cards to individuals who are unable to travel to a deputy registrar office because of confinement, a medical condition, or a disability.
- Requires the Secretary of State to distribute information about voter ID to new registrants.

Validating an absent voter's name and ID

- Requires a mail voter still to provide either an Ohio driver's license or state ID card (Ohio DL/ID) number or the last four digits of the voter's Social Security number (SSN-4) in addition to a copy of a photo ID.

- Allows the voter to provide an SSN-4 only if the voter does not have an Ohio DL/ID.
- Requires the voter to write the voter's name as it appears on the voter's Ohio DL/ID or, if the voter does not have an Ohio DL/ID, as it appears on the voter's Social Security card.
- Establishes standards for determining whether the voter's name as provided matches BMV or Social Security Administration (SSA) records.

Online voter registration system

- Requires an applicant who uses the state's online voter registration system to create a secure online account, verify the applicant's identity, and complete multifactor authentication before submitting an application through the system.

Public access to Statewide Voter Registration Database

- Requires the Secretary of State to provide public access to the Statewide Voter Registration Database (SWVRD) through an interface that allows a search for a particular elector by name and through an interface that allows a bulk data download.
- Increases the information that is available to the public on the SWVRD website to include all information in the SWVRD that is not explicitly required by law to be kept confidential.
- Requires those SWVRD data to be available both as they currently exist and as they existed on any given date in the past.

DETAILED ANALYSIS

Photo ID for absent voting by mail

The bill requires a person who votes by mail to include a copy of the voter's photo ID with the voted ballot when returning it to the board of elections, unless the voter has a sincere religious objection to being photographed. Photo ID currently is required to vote in person, but not by mail. Existing law allows a mail voter instead to provide either the voter's Ohio driver's license or state ID card (Ohio DL/ID) number or the last four digits of the voter's Social Security number (SSN-4). (The process to apply for an absentee ballot under the bill remains the same: the application must include an Ohio DL/ID number, an SSN-4, or a copy of a photo ID, at the applicant's option.)¹

When completing an absentee ballot under the bill, the voter must include either a copy of the voter's photo ID or a completed affidavit of religious objection to being photographed, enclosed in the outer return envelope but outside the ID envelope that contains the ballots. If the voter fails to do so, the ID envelope statement of voter (the form printed on the ID envelope)

¹ R.C. 3509.03 and 3511.02, not in the bill.

is considered incomplete. The board must mail the voter a notice, and the voter must provide the missing ID or affidavit by the fourth day after the election for the ballot to be counted.²

Acceptable forms of ID

Under continuing law, for voting purposes, acceptable photo ID means one of the following documents that has the voter's name and photograph and is not expired:

- An Ohio DL/ID, including an interim ID form issued by the Bureau of Motor Vehicles (BMV) to use while the voter waits for a card to arrive in the mail;
- A U.S. passport or passport card;
- A U.S. military ID card, Ohio National Guard ID card, or U.S. Department of Veterans Affairs ID card.

The bill clarifies that a "copy" of a photo ID means a physical paper and that the copy must be legible. Under continuing law, the copy must include images of both the front and back of the ID, except that in the case of a U.S. passport, the copy must include an image of the passport ID page.³

Religious objection to being photographed

The bill allows a voter who lacks a photo ID because the voter has a religious objection to being photographed to submit an affidavit to that effect instead of providing photo ID with the voter's completed absentee ballot. This is the same affidavit and procedure that currently are used when a voter casts a provisional ballot in person.

The voter must declare under penalty of election falsification that the voter does not have photo ID because the elector has a sincere religious objection to being photographed. The affidavit must include the voter's SSN-4 and signature. In processing the form, the board must ask the Secretary of State to confirm in the BMV database that the voter has not been issued a current Ohio DL/ID. The board also must confirm that the SSN-4 matches the number in the voter's registration record.⁴

Federal write-in absentee ballot

Under continuing law, a uniformed services or overseas absent voter (UOCAVA voter) may vote by mailing the board of elections a federal write-in absentee ballot without providing a copy of a photo ID. The federal Uniformed and Overseas Citizens Absentee Voting Act (UOCAVA) requires each state to allow any UOCAVA voter to vote in federal elections using the federal write-in absentee ballot, which serves as both a voter registration form and an absent voter's ballot in cases where a voter does not receive official ballots in time to return them. That form does not require a voter to provide a copy of a photo ID; instead, the voter must provide either an Ohio DL/ID number or an SSN-4, at the voter's option. States may ask the Director of the

² R.C. 3509.04, 3509.05, 3509.06, 3509.07, 3511.05, and 3511.09.

³ R.C. 3501.01.

⁴ R.C. 3505.19.

Federal Voting Assistance Program, who answers to the Secretary of Defense, to update their form instructions. But, the Director is not required to comply.⁵

Copy of photo ID kept confidential

The bill prohibits the Secretary of State or a board of elections from providing a copy of any elector's photo ID in response to a public records request, similar to the current protections for an Ohio DL/ID number, SSN-4, phone number, or email address.

Further, the bill adds a general requirement that the Secretary of State prescribe procedures for the Secretary's office and the boards of elections to store and dispose of electronic files and physical documents that contain electors' confidential information to prevent disclosure to the public.⁶

Free copy of photo ID

When a bipartisan team of election officials personally delivers an absentee ballot to a voter who is unable to vote in person because of a disability or confinement, the bill requires the board to ensure that the officials have appropriate equipment with them to make a copy of the voter's ID and include it with the ballot.⁷

Further, the bill requires all of the following entities, upon an elector's request made in person, to provide the elector a free copy of the elector's photo ID for absent voting purposes (these are the same agencies that are currently required to distribute voter registration forms):⁸

- The Secretary of State or a board of elections;
- The Registrar of Motor Vehicles and BMV deputy registrars. The Registrar must provide appropriate equipment to each deputy registrar to make the copies.
- Public libraries. Currently, libraries must provide any individual a copy of the individual's driver's license, temporary driver's permit, or state ID card, but not necessarily other forms of photo ID that can be used to vote.
- Designated agencies that are required to implement programs for registering their customers to vote, including the Department of Job and Family Services, the Department of Mental Health and Addiction Services, the Department of Developmental Disabilities, and the Opportunities for Ohioans with Disabilities Agency.
- Public high schools and vocational schools;

⁵ R.C. 3511.16, not in the bill, and 52 United States Code (U.S.C.) 20301, 20302, and 20303. See also Federal Voting Assistance Program, [Standard Form 186, Federal Write-in Absentee Ballot \(PDF\)](#) and [Voting Assistance Guide, ch. 2, Ohio](#), available at fvap.gov.

⁶ R.C. 3503.13.

⁷ R.C. 3509.08.

⁸ R.C. 3375.011, 3501.01(X), 3503.10, 3503.11, 3509.11, 4501.023, and 4507.01.

- County treasurer's offices.

BMV homebound ID program

The bill requires the Registrar of Motor Vehicles to operate a homebound identification program to provide state ID cards to individuals who are unable to travel to a deputy registrar office because of confinement, a medical condition, or a disability. The individual may request that a representative of the Department of Public Safety come to the individual's residence to verify the individual's identity and issue a physical ID card. Upon request, the person also must be provided a free copy of the ID for voting purposes. The Registrar currently operates a program of this kind, but it is not mentioned in statute or administrative rule.⁹

Voter education

The bill changes the required contents of the Secretary of State's informational brochure on voter registration to include information about voter ID and requires agencies that distribute voter registration forms to offer a copy of the brochure to every person who registers to vote, instead of only to persons who request multiple forms. Further, under the bill, the information in the brochure must appear on the state's online voter registration portal.

The brochure must include information about the acceptable types of photo ID; the requirement to include a copy of a photo ID when voting absentee by mail; how an elector may receive a state ID card for free under continuing law; and how an elector may receive a free copy of the elector's photo ID, as described above. Under continuing law, the brochure also must include information about voter registration deadlines and the procedures for returning voter registration forms.

Additionally, the bill modifies the language that must appear on a voter registration acknowledgment notice to reflect that all voters must provide photo identification, instead of only voters at the polls.¹⁰

Validating an absent voter's name and ID

The bill also makes changes to the process the board of elections must use to validate an absent voter's name and Ohio DL/ID number or SSN-4 as they appear on the ID envelope statement of voter.

Ohio DL/ID number or SSN-4

In addition to providing a copy of a photo ID under the bill, the voter still must provide either an Ohio DL/ID number or SSN-4. However, the bill specifies that if the voter has an Ohio DL/ID, the voter must provide that number. The voter may provide the voter's SSN-4 only if the voter does not have an Ohio DL/ID. If the voter provides an SSN-4 but the board determines that the voter has an Ohio DL/ID, the form is considered incomplete. The board must mail the voter a

⁹ R.C. 4501.023.

¹⁰ R.C. 3503.19 and 3503.28.

notice, and the voter must provide the Ohio DL/ID number by the fourth day after the election for the ballot to be counted.¹¹

Existing Ohio law allows a voter to register and to vote by mail using either an Ohio DL/ID number or an SSN-4, at the voter's option.¹² Under the federal Help America Vote Act (HAVA), each state, when processing voter registrations for the purpose of a federal election, must require the applicant to provide the applicant's driver's license number or, if the applicant has not been issued a current and valid driver's license, the applicant's SSN-4. If the applicant has neither, the state must assign a unique ID number for registration purposes. The statute provides that, "The State shall determine whether the information provided by an individual is sufficient to meet the requirements of this subparagraph, in accordance with State law."¹³

Name

The bill requires the voter to write the voter's name as it appears on the voter's Ohio DL/ID or, if the voter does not have an Ohio DL/ID, as it appears on the voter's Social Security card. The last name must be an exact match with BMV records or the Social Security Administration's (SSA's) records, as applicable. A discrepancy in the first or middle name is acceptable so long as (1) any difference is due to the use of a formal, informal, or commonly recognized nickname version of the same name and (2) the middle name and middle initial begin with the same letter. Existing law does not specify the degree to which the voter's name as provided on the form must match the voter's ID or registration record.

In the case of an issue with the voter's name, the board must mail the voter a notice, and the voter must provide the corrected name by the fourth day after the election for the ballot to be counted.¹⁴

Under S.B. 293 of the 136th General Assembly, which takes effect March 20, the Secretary of State is required to alert the boards of elections to any voter registration in the county in which the voter's first or last name, birth date, Ohio DL/ID number, or SSN-4 does not match BMV or SSA records. The board then must send the person a confirmation notice and require the person to vote provisionally in person until the data mismatch is corrected.¹⁵ As a result, it appears unlikely that a person whose name is out of date in BMV or SSA records would be able to obtain an absent voter's ballot. Any name discrepancy detected under the bill's procedures, as described above, probably would be for another reason.

Online voter registration system

Under the bill, the Secretary of State must modify Ohio's current online voter registration system to require an applicant to create a secure online account and verify the applicant's

¹¹ R.C. 3509.04, 3509.05, 3509.06, 3511.05, and 3511.09.

¹² See R.C. 3503.14, not in the bill.

¹³ 52 United States Code (U.S.C.) 21083(a)(5).

¹⁴ R.C. 3509.04, 3509.05, 3509.06, 3511.05, and 3511.09.

¹⁵ R.C. 3503.151(E) and 3503.201, not in the bill.

identity before submitting a voter registration form. The bill requires an applicant to complete multifactor authentication each time the applicant uses the account, using one or more of the following methods:

- Entering a code sent to an email address or phone number that, according to the previously existing records of the Secretary of State or another state agency, belongs to the person the applicant purports to be;
- Providing a token from authentication software installed on a device that, according to the previously existing records of the Secretary or another state agency, belongs to the person the applicant purports to be;
- Answering one or more questions about the person the applicant purports to be, based on information about the person in the previously existing records of the Secretary or another state agency that is not available to the public.

Currently, an applicant who uses the online voter registration system must have the correct name, address, birth date, Ohio DL/ID number, and SSN-4 as they appear in the BMV database to submit the application. However, there is no separate requirement to create an account.¹⁶

Public access to Statewide Voter Registration Database

Website interface

The bill codifies the Secretary of State's current practice of providing public access to the Statewide Voter Registration Database (SWVRD) through two separate interfaces:

- An interface that allows a user to search for a particular elector by name;
- An interface that allows a user to download all of the voter registration records in a widely accessible electronic format.

Existing law requires certain information about electors to be available online but does not specify the method of accessing it.¹⁷

Available data

The bill expands the information that is available to the public on the SWVRD website to include all information in the SWVRD that is not explicitly required by law to be kept confidential. The practical effect is to make two additional data fields available to the public: (1) the image of the elector's signature and (2) whether the elector is required to cast a provisional ballot and, if so, the reason and the instructions for the elector to resolve the issue and cast a regular ballot. (In general, that provisional ballot marking is because an elector needs to verify the elector's name, address, birth date, Ohio DL/ID number, or SSN-4 with the board of elections.) The bill also requires the SWVRD website to include contact information for each board of elections.

¹⁶ R.C. 3503.20.

¹⁷ R.C. 3503.153.

Under continuing law, individuals who receive special protection under the Public Records Law have their information redacted from the public facing version of the SWVRD. No information about any participant in the Safe at Home address confidentiality program operated by the Secretary of State appears in the public version of the SWVRD. And, any designated public service worker, such as a police officer, who has submitted a redaction request to the board of elections has the person's residence address redacted.

The following table shows the privacy status of each elector data field in the SWVRD under current law and under the bill.¹⁸

| Elector data fields in the SWVRD | Currently available to the public online | Available to the public online under the bill |
|---|--|---|
| Name | ✓ | ✓ |
| Birth date | ✓ | ✓ |
| Address | ✓ | ✓ |
| Precinct | ✓ | ✓ |
| Polling location | ✓ | ✓ |
| Ohio DL/ID number | ✗ | ✗ |
| SSN-4 | ✗ | ✗ |
| Phone number | ✗ | ✗ |
| Email address | ✗ | ✗ |
| Image of signature | ✗ | ✓ |
| Registration date | ✓ | ✓ |
| Voting history, including party affiliation | ✓ | ✓ |
| Last activity date | ✓ | ✓ |

¹⁸ R.C. 3503.13, 3503.15, and 3503.153.

| Elector data fields in the SWVRD | Currently available to the public online | Available to the public online under the bill |
|---|--|---|
| Source of voter registration or update form ¹⁹ | X | X ²⁰ |
| Whether the elector is required to cast a provisional ballot and, if so, the reason and the instructions for the elector to resolve the issue and cast a regular ballot | X | ✓ |

Historical information

Under the bill, the data described above must be available both as it currently exists and as it existed on any given date in the past. To facilitate access to historical information, the bill expands a current requirement that the boards of elections create daily snapshots of their voter registration records and send them to the Secretary of State for archiving.

Under the bill, the boards must create those snapshots every business day, and the Secretary must retain them permanently. Existing law requires the boards to do so only during the period beginning 46 days before an election and ending 81 days after the election (the beginning of voting through the finalization of the official canvass of the election results). The Secretary must preserve those snapshots for at least 22 months after the election.²¹

HISTORY

| Action | Date |
|------------|----------|
| Introduced | 11-05-25 |

ANHB0577IN-136/ts

¹⁹ The Secretary of State requires the boards to record this information for the purpose of responding to the U.S. Election Assistance Commission’s biennial Election Administration and Voting Survey. Ohio Secretary of State, [Election Official Manual, ch. 4, p. 111 \(PDF\)](#), available at ohiosos.gov under “Elections & Voting,” “Election Officials,” “Directives, Advisories, and Memos.”

²⁰ Federal law prohibits the state from disclosing the identity of the voter registration agency through which any particular voter registered. 52 U.S.C. 20507(a)(6).

²¹ R.C. 3503.15 and 3503.153.