

As Introduced

136th General Assembly

Regular Session

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H. B. No. 78

Representatives Miller, J., Hall, T.

**Cosponsors: Representatives Click, Brennan, Grim, Rader, Williams, Denson,
Russo**

A BILL

To amend section 3501.01 and to enact sections 1
4507.60, 4507.61, and 4507.62 of the Revised 2
Code to authorize the use of a digital driver's 3
license or state identification card. 4

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF OHIO:

Section 1. That section 3501.01 be amended and sections 5
4507.60, 4507.61, and 4507.62 of the Revised Code be enacted to 6
read as follows: 7

Sec. 3501.01. As used in the sections of the Revised Code 8
relating to elections and political communications: 9

(A) "General election" means the election held on the 10
first Tuesday after the first Monday in each November. 11

(B) "Regular municipal election" means the election held 12
on the first Tuesday after the first Monday in November in each 13
odd-numbered year. 14

(C) "Regular state election" means the election held on 15
the first Tuesday after the first Monday in November in each 16

even-numbered year.

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(D) "Special election" means any election other than those elections defined in other divisions of this section. A special election may be held only on the first Tuesday after the first Monday in May or November, on the first Tuesday after the first Monday in August in accordance with section 3501.022 of the Revised Code, or on the day authorized by a particular municipal or county charter for the holding of a primary election, except that in any year in which a presidential primary election is held, no special election shall be held in May, except as authorized by a municipal or county charter, but may be held on the third Tuesday after the first Monday in March.

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(E) (1) "Primary" or "primary election" means an election held for the purpose of nominating persons as candidates of political parties for election to offices, and for the purpose of electing persons as members of the controlling committees of political parties and as delegates and alternates to the conventions of political parties. Primary elections shall be held on the first Tuesday after the first Monday in May of each year except in years in which a presidential primary election is held.

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(2) "Presidential primary election" means a primary election as defined by division (E) (1) of this section at which an election is held for the purpose of choosing delegates and alternates to the national conventions of the major political parties pursuant to section 3513.12 of the Revised Code. Unless otherwise specified, presidential primary elections are included in references to primary elections. In years in which a presidential primary election is held, all primary elections shall be held on the third Tuesday after the first Monday in

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March except as otherwise authorized by a municipal or county 47
charter. 48

(F) "Political party" means any group of voters meeting 49
the requirements set forth in section 3517.01 of the Revised 50
Code for the formation and existence of a political party. 51

(1) "Major political party" means any political party 52
organized under the laws of this state whose candidate for 53
governor or nominees for presidential electors received not less 54
than twenty per cent of the total vote cast for such office at 55
the most recent regular state election. 56

(2) "Minor political party" means any political party 57
organized under the laws of this state that meets either of the 58
following requirements: 59

(a) Except as otherwise provided in this division, the 60
political party's candidate for governor or nominees for 61
presidential electors received less than twenty per cent but not 62
less than three per cent of the total vote cast for such office 63
at the most recent regular state election. A political party 64
that meets the requirements of this division remains a political 65
party for a period of four years after meeting those 66
requirements. 67

(b) The political party has filed with the secretary of 68
state, subsequent to its failure to meet the requirements of 69
division (F) (2) (a) of this section, a petition that meets the 70
requirements of section 3517.01 of the Revised Code. 71

A newly formed political party shall be known as a minor 72
political party until the time of the first election for 73
governor or president which occurs not less than twelve months 74
subsequent to the formation of such party, after which election 75

the status of such party shall be determined by the vote for the 76
office of governor or president. 77

(G) "Dominant party in a precinct" or "dominant political 78
party in a precinct" means that political party whose candidate 79
for election to the office of governor at the most recent 80
regular state election at which a governor was elected received 81
more votes than any other person received for election to that 82
office in such precinct at such election. 83

(H) "Candidate" means any qualified person certified in 84
accordance with the provisions of the Revised Code for placement 85
on the official ballot of a primary, general, or special 86
election to be held in this state, or any qualified person who 87
claims to be a write-in candidate, or who knowingly assents to 88
being represented as a write-in candidate by another at either a 89
primary, general, or special election to be held in this state. 90

(I) "Independent candidate" means any candidate who claims 91
not to be affiliated with a political party, and whose name has 92
been certified on the office-type ballot at a general or special 93
election through the filing of a statement of candidacy and 94
nominating petition, as prescribed in section 3513.257 of the 95
Revised Code. 96

(J) "Nonpartisan candidate" means any candidate whose name 97
is required, pursuant to section 3505.04 of the Revised Code, to 98
be listed on the nonpartisan ballot, including all candidates 99
for judge of a municipal court, county court, or court of common 100
pleas, for member of any board of education, for municipal or 101
township offices in which primary elections are not held for 102
nominating candidates by political parties, and for offices of 103
municipal corporations having charters that provide for separate 104
ballots for elections for these offices. 105

(K) "Party candidate" means any candidate who claims to be 106
a member of a political party and who has been certified to 107
appear on the office-type ballot at a general or special 108
election as the nominee of a political party because the 109
candidate has won the primary election of the candidate's party 110
for the public office the candidate seeks, has been nominated 111
under section 3517.012, or is selected by party committee in 112
accordance with section 3513.31 of the Revised Code. 113

(L) "Officer of a political party" includes, but is not 114
limited to, any member, elected or appointed, of a controlling 115
committee, whether representing the territory of the state, a 116
district therein, a county, township, a city, a ward, a 117
precinct, or other territory, of a major or minor political 118
party. 119

(M) "Question or issue" means any question or issue 120
certified in accordance with the Revised Code for placement on 121
an official ballot at a general or special election to be held 122
in this state. 123

(N) "Elector" or "qualified elector" means a person having 124
the qualifications provided by law to be entitled to vote. 125

(O) "Voter" means an elector who votes at an election. 126

(P) "Voting residence" means that place of residence of an 127
elector which shall determine the precinct in which the elector 128
may vote. 129

(Q) "Precinct" means a district within a county 130
established by the board of elections of such county within 131
which all qualified electors having a voting residence therein 132
may vote at the same polling place. 133

(R) "Polling place" means that place provided for each 134

precinct at which the electors having a voting residence in such 135
precinct may vote. 136

(S) "Board" or "board of elections" means the board of 137
elections appointed in a county pursuant to section 3501.06 of 138
the Revised Code. 139

(T) "Political subdivision" means a county, township, 140
city, village, or school district. 141

(U) "Election officer" or "election official" means any of 142
the following: 143

(1) Secretary of state; 144

(2) Employees of the secretary of state serving the 145
division of elections in the capacity of attorney, 146
administrative officer, administrative assistant, elections 147
administrator, office manager, or clerical supervisor; 148

(3) Director of a board of elections; 149

(4) Deputy director of a board of elections; 150

(5) Member of a board of elections; 151

(6) Employees of a board of elections; 152

(7) Precinct election officials; 153

(8) Employees appointed by the boards of elections on a 154
temporary or part-time basis. 155

(V) "Acknowledgment notice" means a notice sent by a board 156
of elections, on a form prescribed by the secretary of state, 157
informing a voter registration applicant or an applicant who 158
wishes to change the applicant's residence or name of the status 159
of the application; the information necessary to complete or 160
update the application, if any; and if the application is 161

complete, the precinct in which the applicant is to vote. 162

(W) "Confirmation notice" means a notice sent by a board 163
of elections, on a form prescribed by the secretary of state, to 164
a registered elector to confirm the registered elector's current 165
address. 166

(X) "Designated agency" means an office or agency in the 167
state that provides public assistance or that provides state- 168
funded programs primarily engaged in providing services to 169
persons with disabilities and that is required by the National 170
Voter Registration Act of 1993 to implement a program designed 171
and administered by the secretary of state for registering 172
voters, or any other public or government office or agency that 173
implements a program designed and administered by the secretary 174
of state for registering voters, including the department of job 175
and family services, the program administered under section 176
3701.132 of the Revised Code by the department of health, the 177
department of mental health and addiction services, the 178
department of developmental disabilities, the opportunities for 179
Ohioans with disabilities agency, and any other agency the 180
secretary of state designates. "Designated agency" does not 181
include public high schools and vocational schools, public 182
libraries, or the office of a county treasurer. 183

(Y) "National Voter Registration Act of 1993" means the 184
"National Voter Registration Act of 1993," 107 Stat. 77, 42 185
U.S.C.A. 1973gg. 186

(Z) "Voting Rights Act of 1965" means the "Voting Rights 187
Act of 1965," 79 Stat. 437, 42 U.S.C.A. 1973, as amended. 188

(AA)(1) "Photo identification" means one of the following 189
documents that includes the individual's name and photograph and 190

is not expired: 191

(a) An Ohio driver's license, or state identification 192
card, including a digital license or identification provided in 193
accordance with section 4507.62 of the Revised Code, or interim 194
identification form issued by the registrar of motor vehicles or 195
a deputy registrar under Chapter 4506. or 4507. of the Revised 196
Code; 197

(b) A United States passport or passport card; 198

(c) A United States military identification card, Ohio 199
national guard identification card, or United States department 200
of veterans affairs identification card. 201

(2) A "copy" of an individual's photo identification means 202
images of both the front and back of a document described in 203
division (AA)(1) of this section, except that if the document is 204
a United States passport, a copy of the photo identification 205
means an image of the passport's identification page that 206
includes the individual's name, photograph, and other 207
identifying information and the passport's expiration date. 208

(BB) "Driver's license" means a license or permit issued 209
by the registrar or a deputy registrar under Chapter 4506. or 210
4507. of the Revised Code that authorizes an individual to 211
drive. "Driver's license" includes a driver's license, 212
commercial driver's license, probationary license, restricted 213
license, motorcycle operator's license, or temporary instruction 214
permit identification card. "Driver's license" does not include 215
a limited term license issued under section 4507.09 of the 216
Revised Code. 217

(CC) "State identification card" means a card issued by 218
the registrar or a deputy registrar under sections 4507.50 to 219

4507.52 of the Revised Code. 220

(DD) "Interim identification form" means the document 221
issued by the registrar or a deputy registrar to an applicant 222
for a driver's license or state identification card that 223
contains all of the information otherwise found on the license 224
or card and that an applicant may use as a form of 225
identification until the physical license or card arrives in the 226
mail. 227

Sec. 4507.60. As used in sections 4507.60 to 4507.62 of 228
the Revised Code: 229

(A) "Digital license or identification" means a digital 230
copy of a person's physical driver's license or identification 231
card that is contained within a mobile application loaded onto a 232
person's electronic wireless communications device. 233

(B) "Electronic wireless communications device" has the 234
same meaning as in section 4509.103 of the Revised Code. 235

(C) "Licensee or cardholder" means a person who holds a 236
state-issued driver's license or identification card. 237

(D) "Mobile application entity" means the entity that 238
creates, owns, or manages the mobile application containing the 239
digital license or identification. 240

(E) "Peace officer" has the same meaning as in section 241
109.71 of the Revised Code. 242

(F) "Proof of identity" means the use of a driver's 243
license or identification card, either in physical or digital 244
form, in order to provide evidence of a person's identity, 245
including that person's name, age, date of birth, distinguishing 246
number, address, or photographic image. 247

(G) "Selfie" means an image of a person that is taken by 248
that person using a digital camera on the person's electronic 249
wireless communications device. 250

Sec. 4507.61. The registrar of motor vehicles shall 251
develop, implement, and administer a program that provides for 252
the use of a digital license or identification by residents of 253
this state. For purposes of the program, the registrar shall 254
adopt rules in accordance with Chapter 119. of the Revised Code 255
that establish all of the following: 256

(A) A requirement that a person must have a valid physical 257
driver's license or identification card in order to qualify for 258
use of a digital license or identification; 259

(B) A mechanism by which the registrar shall receive data 260
and images, including a selfie of a licensee or cardholder, from 261
either the mobile application entity or the licensee or 262
cardholder, for purposes of both of the following: 263

(1) Verifying the identity of the licensee or cardholder; 264

(2) Ensuring the validity of the driver's license or 265
identification card. 266

(C) A verification process to determine that any data, 267
images, or selfie submitted in accordance with division (B) of 268
this section reasonably matches the data and digitalized 269
photographic records of the department of public safety for that 270
licensee or cardholder; 271

(D) Mechanisms to ensure that any information transmitted 272
by the bureau of motor vehicles to either the mobile application 273
or the digital driver's license or identification is encrypted 274
and protected in accordance with reasonable security standards 275
broadly available and cannot be intercepted while being 276

transmitted from the bureau; 277

(E) Procedures that apply when a licensee or cardholder's 278
driver's license or identification card is expired, suspended, 279
or revoked; 280

(F) Any other procedures or requirements that the 281
registrar determines are necessary to implement and administer 282
this section and ensure the general privacy, security, and 283
safety of the data and images exchanged through the program. 284

Notwithstanding any provision of section 121.95 of the 285
Revised Code to the contrary, a regulatory restriction contained 286
in a rule adopted under this section is not subject to sections 287
121.95 to 121.953 of the Revised Code. 288

Sec. 4507.62. (A) At any time that a person is requested 289
to provide proof of identity, including requests made by a state 290
employee, a state official, or a peace officer, the person may 291
provide the proof of identity through a digital license or 292
identification, if all of the following apply: 293

(1) The person's driver's license or identification card 294
is valid and not expired, revoked, or suspended. 295

(2) One of the following has occurred: 296

(a) For an Ohio driver's license or identification card, 297
the registrar of motor vehicles has provided any identification 298
verification services required by the mobile application entity 299
prior to use of the digital license or identification in 300
accordance with section 4507.61 of the Revised Code. 301

(b) For a driver's license or identification card issued 302
by another state, the state agency responsible for verifying the 303
person's identity prior to use of the digital license or 304

identification has performed all identification verification 305
services required by that state. 306

(3) The requestor of the proof of identity has the means 307
and authorization to accept and validate the digital license or 308
identification. 309

(B) (1) When a person utilizes an electronic wireless 310
communications device to present proof of identity, only the 311
evidence of that person's proof of identity displayed on the 312
device shall be viewed by the requestor. No other content of the 313
device shall be viewed for purposes of obtaining proof of 314
identity or for any other purpose. 315

(2) When a person provides an electronic wireless 316
communications device to the requestor of the proof of identity, 317
the person assumes the risk of any resulting damage to the 318
device unless the requestor purposely, knowingly, or recklessly 319
commits an action that results in damage to the device. 320

Section 2. That existing section 3501.01 of the Revised 321
Code is hereby repealed. 322