

Testimony of J. Moyer, before the Ohio Senate Transportation Committee
Am. Sub. HB 23: Transportation Budget Bill 2023-2025
re: so-called Enhanced Drivers Licenses

Chairman Kunze, Vice Chair Reineke and Ranking Member Antonio:

My names is James Moyer, I come from Medina County and while I write as a member of the public, I am a data protection advocate and researcher of data security regarding ID cards, passports and biometric systems. The scope of my work is global, but largely focused on the United States and the European Union.

Madame Chairman, there is so much wrong with the Enhanced Driver's License, you can write a book on it.

This legislature has *twice* rejected legislation for the EDL, the most recent time was HB 60 of the 132nd General Assembly.

The video of my opposition testimony on that bill before this committee in November 2018 is [available at the Ohio Channel](#). The written testimony from then is [available here](#) and incorporated into this testimony.

Ohio is not the only state to have rejected the EDL, the North Dakota legislature also rejected it in 2015.

The main reason for this bill's rejection is security. The EDL uses an unencrypted RFID chip, the security of the unencrypted chip is technologically defunct. Its most recent security evaluation by NIST was over 15 years ago and is severely out of date.

This idea reappears regularly for reasons that are unrelated to the idea of making it easier for Ohioans to cross the Canada/Mexico land borders. There is no great call for this on the part of Ohioans. It has been sold in the past as an optional program which affect only those who accept it.

Today, in regards to this bill, no attempt is being made to sell the EDL to Ohioans. It is being hidden from the people of this state with no publicity at all.

Nevertheless, the proposal can affect all Ohioans, as it has in the worst case scenario of Washington State, where 80% of new Washington state credentials are the EDL. This is not because they need to cross into Canada, but because only the EDL is recognized by DHS as the federally compliant ("REAL ID") document issued in that state. Effectively, the people of Washington were bullied by DHS into consenting to the security problems of the EDL and the extended data sharing related to it.

The people of Washington state are being scammed in this regard. Ohioans are in a better position as we are now, with a cheaper, simpler ID card which requires less consent for extended data processing and doesn't need to be stored in a security sleeve.

What this committee is seeing before them is a power grab through rule making authority. The statutory text includes language that would allow ODPS gross rule making authority over such a document, such as choosing which biometric identifiers are accepted and the radio frequency features of the ID. Connecting that to the federalized REAL ID means that Ohioans would be at the mercy of ODPS rule making in regards to their own ID cards and therefore their identities. These types of decisions need to be retained by the legislature and not given to the executive through rule making authority.

Particularly an executive who is on their third attempt in ten years to get this legislature to enact this flawed idea, now hidden from public scrutiny in a transportation budget amendment. It is one thing for this legislature to give up key decision making, it is another to give that authority to an institution whose strategic persistence is reflective of a disrespect for the people of this state.

Committee members, this is a very complicated matter as you will see from the documents attached. It is not a casual change which is appropriate for a transportation budget bill. The EDL program has security problems and it is for those reasons that the idea has been rejected in the past. There are many unaddressed security problems with the current ID cards, the people of this state do not require another bad ID card system. Please remove the EDL from the transportation budget bill as soon as possible.

Warm regards and I am available for questions,

J Moyer