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Bill Analysis

Version: As Introduced

Primary Sponsor: Sen. Gavarone

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SUMMARY

- Requires photo identification (ID) to vote in person or by mail, except by provisional ballot.

Photo ID definition

- Defines photo ID to include only an Ohio driver's license, commercial driver's license, or state ID card (DL/ID).
- Specifies that, if a person's Ohio DL/ID does not include the person's current address, the person also must provide separate proof of current address.
- Allows a person to provide an expired Ohio DL/ID only if it is accompanied by a military ID.

Election Day voting

- Requires an in-person voter on Election Day to provide photo ID, as defined above.
- Clarifies that an in-person voter must sign the person's name in the pollbook, as opposed to writing the person's name and address in the pollbook.
- Allows a person who does not provide photo ID to cast a provisional ballot.
- Requires a provisional voter, in order for the ballot to be eligible to be counted, to provide photo ID, the person's Ohio DL/ID card number, or the last four digits of the person's Social Security number (SSN).

Absent voting

- Requires a person who casts absent voter's ballots in person at the board of elections to provide photo ID in the same manner as an elector voting on Election Day.
- Allows an in-person absent voter who does not provide photo ID to cast a provisional ballot and provide ID as described above.

- Clarifies that an in-person absent voter is not required to complete a written application for absent voter's ballots.
- Requires a person who casts absent voter's ballots by mail to provide two forms of ID on the application for absent voter's ballots and on the ID envelope statement of voter:
 - The person's Ohio DL/ID number or a copy of the front and back of the person's photo ID;
 - The last four digits of the person's SSN.
- Specifies that a disabled or confined person who has absent voter's ballots personally delivered by a bipartisan pair of election officials is considered to have voted by mail for purposes of the ID requirement.
- Changes numerous references in the law governing absent voting to refer to a board of elections receiving, sending, and processing applications and ballots, rather than the *director* of the board performing those functions.

Clarification regarding state ID cards

- Clarifies that in every context where an elector currently may provide the elector's driver's license number as identification, the elector instead may provide the elector's state ID card number.

Free state ID cards

- Authorizes any person 17 and over who applies for and receives a state ID card from the Bureau of Motor Vehicles to receive it for free.
- Establishes a process for the Registrar of Motor Vehicles to reimburse a deputy registrar for the fees the deputy registrar would have charged for the state ID card.

DETAILED ANALYSIS

In general, the bill requires photo identification (ID) to vote in person or by mail, and defines photo ID to include only an Ohio driver's license or state ID card (DL/ID). A person who does not have photo ID that complies with the bill may cast a provisional ballot using the last four digits of the person's Social Security number (SSN). The bill does not change the current ID requirements for voter registration, meaning that a person still can register to vote using an alternative form of ID, such as a utility bill or the last four digits of the person's SSN.

The following table summarizes the changes the bill makes to Ohio's voter ID requirements. Each of these changes are discussed below in detail.

Form of voter ID	Register to vote	Election Day voting		In-person absent voting		Absent voting by mail		Provisional ballot	
	No change	Now	S.B. 320	Now	S.B. 320	Now	S.B. 320	Now	S.B. 320
Ohio DL/ID with current address	✓	✓	✓	✓	✓	✓	✓	✓	✓
Ohio DL/ID with former address	✓	✓	✓*	✓	✓*	✓	✓*	✓	✓*
Expired Ohio DL/ID with current address	✗	✗	✓†	✗	✓†	✗	✓†	✗	✓†
Expired Ohio DL/ID with former address	✗	✗	✓‡	✗	✓‡	✗	✓‡	✗	✓‡
Military ID	✓	✓	✗	✓	✗	✓	✗	✓	✗
Utility bill, bank statement, government check, paycheck, or other government document with current address	✓	✓	✗	✓	✗	✓	✗	✓	✗
Ohio DL/ID number	✓	✗	✗	✓	✗	✓	Must have both	✓	✓
Last four digits of SSN	✓	✗	✗	✓	✗	✓		✓	✓

Photo ID definition

The bill defines photo ID as one of the following documents or combinations of documents that includes the person's name, photograph, and current address:

- A valid (unexpired) Ohio driver's license, commercial driver's license, or state ID card (DL/ID) with the person's current address;

* Acceptable with separate proof of current address in the form of a current utility bill, bank statement, government check, paycheck, or other government document, other than a notice of voter registration.

† Acceptable when accompanied by a military ID.

‡ Acceptable when accompanied by a military ID and separate proof of current address in the form of a current utility bill, bank statement, government check, paycheck, or other government document, other than a notice of voter registration.

- A valid (unexpired) Ohio DL/ID with the person's former address, if it is accompanied by separate proof of current address in the form of a copy of a current utility bill, bank statement, government check, paycheck, or other government document, other than a notice of voter registration;
- An expired Ohio DL/ID with the person's current address, if it is accompanied by a military ID;
- An expired Ohio DL/ID with the person's former address, if it is accompanied by a military ID and separate proof of current address in the form of a copy of a current utility bill, bank statement, government check, paycheck, or other government document, other than a notice of voter registration.

Current law defines photo ID as an unexpired document that is issued by Ohio or the U.S. government and that shows the person's name, photograph, and current address, except that an Ohio DL/ID may include the person's former address with no requirement to show separate proof of current address. It appears that an Ohio DL/ID is the only commonly issued form of ID that meets that description. As is explained below, however, a person who does not have photo ID currently may provide an alternative form of ID.¹

Election Day voting

Regular ballot

When a person appears to vote in person on Election Day, the bill requires the person to provide photo ID, as defined above. The bill eliminates the option to provide alternative ID in the form of a military ID or a copy of a current utility bill, bank statement, government check, paycheck, or other government document, other than a notice of voter registration, that shows the person's name and current address. If the person does not provide photo ID, the person may cast a provisional ballot, as under continuing law.

The bill also clarifies that the person must sign the person's name in the pollbook, as opposed to writing the person's name and address in the pollbook. This change is consistent with long-standing procedures and with the continuing law that requires the election officials to compare the person's signature with the signature on file.²

Provisional ballot

Under the bill, in order for a provisional voter's ballot to be eligible to be counted, the voter must provide ID in one of the following manners:

- Showing photo ID to the election officials (in the case of a person who is casting a provisional ballot for reasons other than a lack of ID);
- Writing the person's Ohio DL/ID card number on the provisional ballot affirmation;

¹ R.C. 3501.01(AA) and conforming changes in R.C. 3503.14.

² R.C. 3505.18 and conforming changes in R.C. 3503.16, 3503.19, and 3503.28.

- Writing the last four digits of the person's SSN on the provisional ballot affirmation;
- Appearing in person at the board of elections within seven days after Election Day to provide one of those forms of ID.

The bill removes the ability of a provisional voter to provide alternative ID in the form of a military ID or a copy of a current utility bill, bank statement, government check, paycheck, or other government document, other than a notice of voter registration, that shows the person's name and current address.³

Absent voting

In person

The bill requires a person who casts absent voter's ballots in person at the board of elections to provide photo ID in the same manner as an elector voting on Election Day. If the person does not provide photo ID, the person may cast a provisional ballot, as described above.

Under current law, an in-person absent voter instead may provide the person's Ohio DL/ID number, the last four digits of the person's SSN, a military ID, or a copy of a current utility bill, bank statement, government check, paycheck, or other government document that includes the person's name and current address. Current law does not contemplate a person casting a provisional ballot during in-person absent voting.

Additionally, the bill clarifies that an in-person absent voter is not required to complete a written application for absent voter's ballots. Under continuing law, such a voter also is not required to fill out an ID envelope statement of voter (the form on the ballot envelope). Instead, the voter must show ID and sign a pollbook, similar to the procedures on Election Day.⁴

By mail

To vote by mail, the bill requires a person to provide two forms of ID on the application for absent voter's ballots and on the ID envelope statement of voter. The person must provide both:

- The person's Ohio DL/ID number or a copy of the front and back of the person's photo ID; and
- The last four digits of the person's SSN.

Those changes also apply to uniformed services and overseas absent voters.

Existing law allows a person who cast absent voter's ballots by mail to provide just one of those items, or instead to provide a copy of a military ID or a copy of a current utility bill, bank statement, government check, paycheck, or other government document, other than a notice of voter registration, that shows the person's name and current address.

³ R.C. 3505.18, 3505.181, 3505.182, and 3505.183.

⁴ R.C. 3509.051, 3509.09, 3509.10, 3511.10, and 3511.13.

The bill specifies that a disabled or confined person who has absent voter's ballots personally delivered by a bipartisan pair of election officials is considered to have voted by mail for purposes of the ID requirement. Under continuing law, such a voter must complete a written application and an ID envelope statement of voter, as opposed to showing ID and signing a pollbook.

The bill also changes numerous references in the law governing absent voting to refer to a board of elections receiving, sending, and processing applications and ballots, rather than the *director* of the board performing those functions. These changes do not affect the substance of the law, but they clarify that the director is not required to personally carry out all of those duties. Under continuing law and practice, the board delegates its many duties under the Election Law to the director and deputy director and to other employees.⁵

Clarification regarding state ID cards

The bill clarifies that in every context where an elector currently may provide the elector's driver's license number as identification, the elector instead may provide the elector's state ID card number. Current law explicitly allows an elector to provide a state ID card number when registering to vote online or casting a provisional ballot, but not when submitting a paper registration form or applying for or casting absent voter's ballots. And, the law currently does not require the Statewide Voter Registration Database to record electors' state ID card numbers.⁶

Free state ID cards

The bill authorizes any person 17 and over who applies for and receives a state ID card from the Bureau of Motor Vehicles to receive it for free. As such, the bill waives (for those 17 and over) the typical fees associated with the initial issuance or renewal of the state ID card (\$10 for a 4-year state ID card; \$19 for an 8-year state ID card) and the fees associated with receiving a duplicate, reprint, or replacement state ID card (\$7.50).⁷ A state ID card is a primary form of photo ID for a person who does not hold any type of driver's license or whose driver's license is currently suspended.

In order to continue to compensate deputy registrars for their services in issuing state ID cards, the bill establishes a process for the deputy registrars to seek reimbursement through the Registrar of Motor Vehicles. To be reimbursed, deputy registrars must submit a monthly verification form to the Registrar that specifies the number of free state ID cards issued and renewed, and the number of free duplicate, reprint, and replacement state ID cards issued

⁵ R.C. 3509.03, 3509.04, 3509.06, 3509.08, 3509.09, 3511.02, 3511.04, 3511.05, 3511.06, 3511.07, 3511.08, 3511.10, 3511.11, and 3511.13.

⁶ R.C. 3503.14, 3509.03, 3509.04, 3509.06, 3511.02, and 3511.05. See also R.C. 3503.20, 3505.181, and 3505.182.

⁷ R.C. 4507.50, 4507.501, and 4507.52.

during the course of the past month.⁸ The Registrar then must reimburse each deputy registrar the amount that the deputy registrar would have received for each free state ID card without the fee waiver. Those amounts are:

1. \$6.50 for each 4-year state ID card issued or renewed (\$5 deputy registrar fee and \$1.50 document authentication fee);
2. \$13 for each 8-year state ID card issued or renewed (\$10 deputy registrar fee and \$3 document authentication fee); and
3. \$5 for each duplicate, reprint, or replacement state ID card (deputy registrar fee).⁹

The Registrar must establish the verification form and the method of submission and may adopt any rules that are necessary to implement and administer the reimbursements to deputy registrars.¹⁰

HISTORY

Action	Date
Introduced	04-06-22

ANSB0320IN-134/ec

⁸ R.C. 4507.502(A).

⁹ R.C. 4507.502(B).

¹⁰ R.C. 4507.502(A)(2) and (C).