



# Ohio Legislative Service Commission

## Bill Analysis

Emily E. Wendel

### H.B. 189

131st General Assembly  
(As Introduced)

**Reps.** Brenner, Becker, Maag, Hood, Thompson, Brinkman, Conditt, Schaffer, Vitale, Hayes, Retherford, Kraus, Rezabek, Green, LaTourette, Terhar, Hall, Huffman, Roegner, Ruhl, Butler, Buchy, Hambley, Young

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## BILL SUMMARY

### Definition of photo identification

- Defines photo identification (ID) generally to include an Ohio driver's license or state ID card, a U.S. military ID card, or a U.S. passport.
- Specifies the circumstances under which those forms of ID may be accepted if they are expired.

### Casting a regular ballot on Election Day

- Requires an elector to show photo ID in order to cast a regular ballot on the day of an election.
- Requires the elector to confirm the elector's name and address by signing the elector's name in the pollbook.
- Requires a person's notice of voter registration and the informational brochure regarding voter registration to specify that a voter must provide photo ID when appearing to vote.

### Casting a provisional ballot

- Permits an elector who has a religious objection to being photographed to execute an affirmation to that effect, to cast a provisional ballot, and to have that affirmation satisfy the ID requirement for the ballot to be counted.
- Allows an elector who does not have or declines to provide photo ID and does not have a religious objection to being photographed to cast a provisional ballot.

- Permits such a provisional voter to provide the voter's driver's license or state ID card number or the last four digits of the voter's Social Security number on the provisional ballot affirmation.
- Allows such a provisional voter alternatively to provide one of those numbers or a photo ID to the office of the board of elections not later than the seventh day after the day of the election in order to have the voter's ballot counted.
- Specifies that if an elector's notice of voter registration was returned undelivered to the board of elections, at the first election at which the elector appears to vote, the elector must provide *photo* identification and cast a provisional ballot.
- Requires a provisional voter who provides ID when casting a ballot to check a box indicating that the voter showed photo ID to the precinct election official instead of checking a box indicating which type of identification the voter showed to the precinct election official.

### **Casting absent voter's ballots**

- Requires an elector who appears at the office of the board of elections to cast absent voter's ballots in person to provide photo ID.
- Allows an elector who has a religious objection to being photographed and who appears to cast absent voter's ballots in person to execute an affirmation to that effect and cast a provisional ballot.
- Specifies that a disabled or confined elector who casts absent voter's ballots with the assistance of two election officials is considered to have cast those ballots by mail for the purpose of the ID requirement.
- Requires an elector who casts absent voter's ballots by mail to provide the elector's driver's license or state ID card number, the last four digits of the elector's Social Security number, or a copy of the elector's photo ID.

### **Registering to vote or updating a registration**

- Alters some of the forms of photo ID that an applicant may use to register to vote or to submit a change of residence or change of name form by changing the definition of photo ID.
- Allows an applicant or elector to provide a state ID card number, in addition to the person's driver's license number or the last four digits of the person's Social Security number, in order to register to vote or update the person's registration.

## Free state identification card for low-income individuals

- Allows an individual who cannot afford a state ID card and whose income does not exceed 100% of the federal poverty guidelines to receive a free state ID card, temporary state ID card, or duplicate or replacement state ID card from the Registrar of Motor Vehicles or a deputy registrar.
- Requires such an individual to execute an affirmation under penalty of election falsification that includes the individual's name, address, date of birth, and signature, the current date, and statements that the individual qualifies to receive a free ID card.

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## CONTENT AND OPERATION

The bill requires an individual to show photo identification (ID) in order to cast a regular ballot on Election Day or to cast absent voter's ballots in person. And, the bill makes other changes to the ID requirements to cast a provisional ballot, to cast absent voter's ballots by mail, or to register to vote or update a registration.

### Definition of photo identification

Under the bill, photo ID means one of the following documents that contains the elector's name, which conforms to the name in the individual's voter registration record, and contains a photograph of the individual to whom it was issued:<sup>1</sup>

- An Ohio driver's license or Ohio commercial driver's license issued by the Registrar of Motor Vehicles or a deputy registrar that shows the elector's

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<sup>1</sup> R.C. 3501.01(AA).



current or former address, regardless of whether the address conforms to the address in the individual's voter registration record and regardless of whether the license is expired;

- A state ID card issued by the Registrar of Motor Vehicles or a deputy registrar that shows the elector's current or former address, regardless of whether the address conforms to the address in the individual's voter registration record, and that is not expired or that expired after the date of the most recent general election;
- A U.S. military ID card that is not expired or that expired after the date of the most recent general election; or
- A U.S. passport that is not expired or that expired after the date of the most recent general election.

Existing law defines photo ID as a document that does all of the following:<sup>2</sup>

- Shows the name of the individual to whom it was issued, which conforms to the name in the poll list or signature pollbook;
- Shows the individual's current address, which conforms to the address in the poll list or signature pollbook, except for a driver's license or state ID card, which may show the individual's current or former address, regardless of whether that address conforms to the address in the poll list or signature pollbook;
- Shows a photograph of the individual to whom it was issued;
- Includes an expiration date that has not passed; and
- Was issued by the U.S. government or the government of Ohio.

## **Casting a regular ballot on Election Day**

Under the bill, an elector must show photo ID, as defined above, in order to cast a regular ballot on the day of an election. When the elector has shown that ID, the bill requires the elector to confirm the elector's name and address by signing the elector's name in the pollbook, instead of writing the elector's name and address in the pollbook, as current law requires.

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<sup>2</sup> R.C. 3501.01(AA).



The bill allows an elector who has a religious objection to being photographed to sign an affirmation to that effect and cast a provisional ballot. And, under continuing law, any elector who does not have or declines to provide the required ID may cast a provisional ballot (see "**Casting a provisional ballot**," below).

Under existing law, in order to be eligible to cast a regular ballot on Election Day, an elector must provide a current and valid photo ID, 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 mailed by a board of elections, that shows the elector's name and current address.<sup>3</sup>

### **Notice to electors of acceptable types of identification**

Because the bill changes the types of ID that may be accepted at a polling place, the bill also revises two provisions of current law that require electors to be notified of the types of ID they may provide to be eligible to vote. A person who registers to vote receives a notice specifying the appropriate type of identification. Additionally the Secretary of State publishes an information brochure on voter registration. The bill revises both the notice and the brochure to specify that a person must provide photo ID when appearing to vote.<sup>4</sup>

## **Casting a provisional ballot**

### **Electors who have a religious objection to being photographed**

The bill permits an elector who has a religious objection to being photographed to execute an affirmation to that effect, under penalty of election falsification, and to cast a provisional ballot. The affirmation must include the elector's name, address, date of birth, and signature, the current date, and a statement that the elector has a religious objection to being photographed. If the elector does not execute the religious objection affirmation when the elector casts the ballot, the elector may appear at the office of the board of elections not later than the seventh day after the day of the election to do so.

The bill specifies that the religious objection affirmation satisfies the ID requirement for the provisional ballot to be counted. Under continuing law, in order for the ballot to be counted, the provisional ballot affirmation also must include the elector's name, signature, date of birth, and current address, and the board of elections

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<sup>3</sup> R.C. 3503.16 and 3505.18.

<sup>4</sup> R.C. 3503.19 and 3503.28.



must determine that the elector is properly registered to vote and eligible to cast a ballot in the precinct and for that election.<sup>5</sup>

### **Other electors who do not have or decline to provide photo ID**

Under the bill, an elector who does not have or declines to provide photo ID and does not have a religious objection to being photographed may cast a provisional ballot. In order for the elector's ballot to be eligible to be counted, the elector may do either of the following:

- Provide the elector's driver's license or state ID card number or the last four digits of the elector's Social Security number on the provisional ballot affirmation form; or
- Appear at the office of the board of elections not later than the seventh day after the day of the election and provide one of those numbers or a photo ID.

Under current law, a provisional voter who does not provide ID at the time of casting the provisional ballot must provide one of the following forms of ID to the board of elections not later than the seventh day after the day of the election: a current and valid photo ID, a military ID, the voter's driver's license or state ID card number, the last four digits of the voter's Social Security number, or a copy of a current utility bill, bank statement, government check, paycheck, or other government document, other than a notice of voter registration mailed by a board of elections, that shows the voter's name and current address.<sup>6</sup>

### **Other provisional ballot changes**

Under the bill, if an elector's notice of voter registration was returned undelivered to the board of elections, at the first election at which the elector appears to vote, the elector must provide photo identification and cast a provisional ballot. Existing law requires such an elector to provide identification and cast a provisional ballot.<sup>7</sup>

The bill also makes a change to the portion of the provisional ballot affirmation form that a provisional voter who provides ID must complete. Under the bill, the voter must check a box indicating that the voter showed photo ID to the precinct election

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<sup>5</sup> R.C. 3505.18(A)(2), 3505.181, 3505.182, and 3505.183.

<sup>6</sup> R.C. 3505.18(A), 3505.181, 3505.182, and 3505.183.

<sup>7</sup> R.C. 3503.19(C)(2).



official. Current law requires the voter to check a box indicating which type of identification the voter showed to the precinct election official.<sup>8</sup>

## **Casting absent voter's ballots**

### **In person**

The bill generally requires an elector who appears at the office of the board of elections to cast absent voter's ballots in person to provide photo ID. Continuing law requires any elector who casts absent voter's ballots also to provide the elector's name, address, date of birth, and signature.

If the elector has a religious objection to being photographed, the elector may execute an affirmation to that effect and cast a provisional ballot, as described above. Existing law does not authorize an elector who is casting absent voter's ballots in person to cast a provisional ballot, except that certain electors who have moved or had a change of name may cast a provisional ballot at the office of the board of elections before the day of the election.

Under the bill, a disabled or confined elector who casts absent voter's ballots with the assistance of two election officials is considered to have cast those ballots by mail for the purpose of the ID requirement (see "**By mail**," below).

Currently, an elector who is casting absent voter's ballots in person may provide the same ID that is required to cast absent voter's ballots by mail. That ID includes the elector's driver's license number, the last four digits of the elector's Social Security number, or a copy of the elector's current and valid photo ID, 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 mailed by a board of elections, that shows the elector's name and current address.<sup>9</sup>

### **By mail**

Under the bill, an elector who casts absent voter's ballots by mail must provide, on both the elector's application for those ballots and on the absent voter's ballot identification statement, the elector's driver's license or state ID card number or the last four digits of the elector's Social Security number, or provide a copy of the elector's photo ID. Continuing law also requires the elector to provide the elector's name, address, date of birth, and signature.

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<sup>8</sup> R.C. 3505.182(D)(3).

<sup>9</sup> R.C. 3503.16, 3509.03, 3509.04, 3509.08, 3511.02, 3511.05, and 3511.09.



Current law does not allow an elector to provide the elector's state ID card number for the purpose of casting absent voter's ballots. The elector must provide the elector's driver's license number, the last four digits of the elector's Social Security number, or a copy of a current and valid photo ID, a military ID, or a current utility bill, bank statement, government check, paycheck, or other government document, other than a notice of voter registration mailed by a board of elections, that shows the elector's name and current address.<sup>10</sup>

## **Registering to vote or updating a registration**

Because the bill redefines photo ID, it alters some of the forms of photo ID that an applicant may use to register to vote or to submit a change of residence or change of name form (see "**Definition of photo identification**," above). The bill also allows an applicant or elector to provide a state ID card number, which existing law does not permit.

Under continuing law, an applicant or elector may submit the person's driver's license number, the last four digits of the person's Social Security number, a copy of a photo 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 mailed by a board of elections, that shows the person's name and address. The person also must provide the person's name, address, date of birth, and signature, as well as the current date.<sup>11</sup>

## **Free state identification card for low-income individuals**

The bill allows an individual who cannot afford a state ID card and whose income does not exceed 100% of the federal poverty guidelines to receive a free state ID card, temporary state ID card, or duplicate or replacement state ID card from the Registrar of Motor Vehicles or a deputy registrar.<sup>12</sup> (The U.S. Department of Health and Human Services updates the federal poverty guidelines annually, and the guidelines vary based on the number of individuals in a household.)<sup>13</sup>

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<sup>10</sup> R.C. 3509.03, 3509.04, 3509.05, 3511.02, 3511.05, and 3511.09.

<sup>11</sup> R.C. 3501.01(AA) and 3503.14.

<sup>12</sup> R.C. 4507.50 and 4507.52.

<sup>13</sup> U.S. Health and Human Services Department, "Annual Update of HHS Poverty Guidelines." Available at [federalregister.gov/articles/2015/01/22/2015-01120/annual-update-of-the-hhs-poverty-guidelines](http://federalregister.gov/articles/2015/01/22/2015-01120/annual-update-of-the-hhs-poverty-guidelines), accessed August 18, 2015.





Under the bill, an individual who applies for a free state ID card or temporary state ID card on account of the individual's financial status must execute an affirmation, under penalty of election falsification, that includes all of the following:

- The individual's name;
- The individual's address;
- The individual's date of birth;
- A statement that the individual cannot afford to pay the applicable fees;
- A statement that the individual's income does not exceed 100% of the federal poverty guidelines;
- The individual's signature; and
- The current date.

The bill specifies that an individual who received a card under that procedure, who continues to meet those financial requirements, and who executes another affirmation may receive a free duplicate or replacement ID card not more than once every four years.

The continuing maximum fee for a state ID card, regardless of the type, is \$8.50. Continuing law also allows a disabled veteran who has a service-connected disability rated at 100% by the U.S. Veterans' Administration to receive such a free ID card.<sup>14</sup>

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## HISTORY

ACTION	DATE
Introduced	05-05-15

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<sup>14</sup> R.C. 4507.50 and 4507.52.

