



Ohio Legislative Service Commission

Bill Analysis

Lynda J. Jacobsen

Am. H.B. 159

129th General Assembly
(As Passed by the House)

Reps. Mecklenborg and Blessing, J. Adams, Anielski, Beck, Bubp, Grossman, Johnson, Maag, Martin, Uecker, Young

BILL SUMMARY

- Generally requires a person who appears to vote on the day of an election or to vote an absent voter's ballot in person to provide photo identification.
- Permits an elector who votes an absent voter's ballot other than in person to continue to use other types of identification that are acceptable under current law, such as a government document, paycheck, or utility bill.
- Revises the documents that are considered "photo identification" for Election Law purposes.
- Establishes a process for an elector who cannot afford photo identification to receive an Ohio identification card free of charge.
- Permits an elector who has a religious objection to being photographed to vote a provisional ballot in person upon the execution of an affirmation to that effect.
- Removes an obsolete reference to an election document that is no longer produced.

CONTENT AND OPERATION

Photo identification for in-person voters

The bill revises the types of identification that may be used as voter identification on the day of an election or for casting an absent voter's ballot in person. An elector who wishes to vote a regular ballot on the day of an election or to vote an absent voter's ballot in person generally must provide "photo identification."¹

¹ R.C. 3501.01(AA), 3503.16, 3503.19, 3503.28, 3505.18, 3505.181, 3505.182, 3505.183, 3509.03, 3509.031, 3509.04, 3509.05, 3511.02, 3511.05, and 3511.09.

"Photo identification" means a document that:

- Contains the name of the elector, which must conform to the name in the individual's voter registration record;
- Contains a photograph of the individual to whom it was issued;
- Contains an expiration date that is not expired or expired after the date of the most recent general election, unless the document is an Ohio driver's license or Ohio commercial driver's license, which may contain an expiration date that has expired at any time prior to the date on which it is presented as identification; and
- That is one of the following documents:
 - A valid Ohio driver's license or Ohio commercial driver's license that shows the elector's current or former address, regardless of whether that address conforms to the address in the individual's voter registration record;
 - A valid Ohio identification card that shows the elector's current or former address, regardless of whether that address conforms to the address in the individual's voter registration record;
 - A valid United States military identification card; or
 - A valid United States passport.²

An elector who votes an absent voter's ballot other than in person may continue to use other types of identification that are acceptable under current law, including a copy of a current utility bill, bank statement, government check, paycheck, or other government document that shows the elector's name and address, when requesting or returning that absent voter's ballot. The bill, however, also restricts the types of "photo identification" that these voters may provide when requesting or casting an absent voter's ballot.

Under current law, an elector who provides "photo identification," either in person or in relation to absent voter's ballots, must provide identification that does all of the following: (1) shows the name of the individual to whom it was issued, which must conform to the name in the poll list or signature pollbook, (2) shows the current address of the individual to whom it was issued, which must conform to the address in the poll list or signature pollbook, except for a driver's license or a state identification card,

² R.C. 3501.01(AA).

which may show either the current or former address of the individual to whom it was issued, regardless of whether that address conforms to the address in the poll list or signature pollbook, (3) shows a photograph of the individual to whom it was issued, (4) includes an expiration date that has not passed, and (5) was issued by the government of the United States or the state of Ohio.³

Free identification for persons who cannot afford photo identification

The bill requires the Registrar of Motor Vehicles, or a Deputy Registrar, to provide a state identification card free of charge to an individual who cannot afford photo identification. An individual who cannot afford to pay the fees associated with acquiring an Ohio identification card, including any lamination fee, may apply to the Registrar of Motor Vehicles or a deputy registrar for the issuance of an identification card or a temporary identification card without payment of any fee.

The Registrar, by rule, must establish standards to determine whether individuals are able to pay the fees for a state identification card. An application for a free state identification card must be accompanied by such documentary evidence of income and expenses as the Registrar may require by rule, to determine the individual's ability to pay those fees.⁴

If such a person's state identification card is lost, destroyed, or mutilated, a cardholder who applied for and received that card for free because the cardholder could not afford photo identification may apply to the Registrar or a Deputy Registrar for the issuance of a duplicate or replacement identification card without payment of any fee and without payment of any lamination fee.⁵

Affirmation of religious objection to being photographed

An elector who appears to vote on the day of an election or who wishes to cast an absent voter's ballot in person prior to the day of the election and who does not have photo identification may still vote by casting a provisional ballot. Generally, such an elector must provide photo identification to the election officials within ten days after the election for the elector's provisional ballot to be counted.

Additionally, a provisional voter who has a religious objection to being photographed may execute an affirmation (either prior to casting the provisional ballot or within ten days after the election) stating that the voter has a religious objection to being photographed. On the affirmation, the voter must provide the elector's name,

³ R.C. 3501.01(AA).

⁴ R.C. 4507.50(C).

⁵ R.C. 4507.52.

address, date of birth, signature, current date, and a statement that the elector has a religious objection to being photographed. The affirmation must be signed under penalty of election falsification, which is a felony of the fifth degree. An elector who executes such an affirmation is not required to provide any additional identification. The elector's provisional ballot may be counted as long as the ballot meets the general requirements for counting a provisional ballot.⁶

Under existing law, voters who have a religious objection to being photographed may still vote a regular ballot on the day of an election or regular absent voter's ballot in person, as long as they provide one of the currently accepted forms of identification, such as a paycheck or bank statement that shows the voter's name and address.

Elimination of obsolete cross-reference in Voter Identification Law

The bill also eliminates an obsolete reference to an election document that is no longer produced. Current law generally permits an elector to use any government document that contains the elector's name and address for voter identification purposes. However, a voter is prohibited from using a card that was sent to verify the voter's registration as voter identification. Current law also prohibits a voter from using a "notice of an election" for voter identification purposes. However, the section of law that required election notices to be sent has since been repealed. Thus, current law includes language prohibiting voters from using a document that no longer exists for voter identification purposes. The bill removes from the Election Law the prohibition against using the obsolete document for voter identification purposes.⁷

HISTORY

ACTION	DATE
Introduced	03-15-11
Reported, H. State Gov't & Elections	03-23-11
Passed House (57-38)	03-23-11

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⁶ R.C. 3505.18, 3505.181, 3505.182, and 3505.183.

⁷ R.C. 3503.14, 3509.03, 3509.031, 3509.04, 3509.05, 3511.02, 3511.05, and 3511.09.

