



## Restoring Integrity and Trust in Elections

### WRITTEN TESTIMONY IN SUPPORT OF

#### **S. J. R. No. 10 (Constitutional Amendment Requiring Identification to Vote)** Before the Ohio House of Representatives General Government Committee

June 7, 2026

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Chair Ray, Vice Chair LaRe, Ranking Member Brent, and members of the Committee: thank you for the opportunity to submit testimony in support of Sub. S. J. R. No. 10. I serve as President of Restoring Integrity and Trust in Elections (RITE), a national nonprofit organization dedicated to defending the rule of law in America's elections. Earlier in my career, I served as Deputy Secretary of the Virginia State Board of Elections, where I helped design, pass, and implement a state photo identification requirement. That requirement was later repealed because it rested in statute rather than the state's constitution. I write today to urge this committee to refer the proposed amendment to the voters of Ohio.

#### **I. Photo Identification is Sound Policy**

Although the substantive case for voter photo ID has been thoroughly examined by Ohio's General Assembly, Ohio voters, and the federal courts, those arguments bear repeating. At its most basic level, voter ID helps secure the bedrock democratic principle of one person, one vote: it ensures that the person appearing to vote is the registered voter he or she claims to be. It also serves more practical functions. For example, Ohio election workers use ID barcode scanners to check-in voters at the polling place. This process results in more accurate voter history records, a lower risk of an eligible voter being inadvertently recorded as having already voted, and a quicker check-in process that reduces polling place lines.

Equally important, photo ID strengthens public confidence in the integrity of elections, and that confidence has real consequences. Empirical research has established a measurable link between trust in elections and both participation in the political process and the perceived legitimacy of elected

officials and our governmental institutions more broadly.<sup>1</sup> When voters believe elections are honest, they are more likely to engage with the system. When they doubt the system, they are more likely to disengage from it or question the authority of the winning candidates. Independent academic research has long established the same connection.<sup>2</sup>

Photo ID laws contribute directly to voter confidence. Two recent studies supported by RITE’s sister organization, the Ulysses S. Grant Institute for the Study of Democracy, demonstrate the important confidence and legitimacy-bolstering effects of voter ID laws.<sup>3</sup>

The first, by Professor Jeffrey Milyo of the University of Missouri, addresses methodological limitations in earlier research and concludes that strict voter ID requirements such as Ohio’s have a “substantively large and statistically significant impact on the probability that citizens express confidence (and especially high confidence) in the integrity of elections.”<sup>4</sup>

The second, by Professor Christian Fong of the University of Michigan and just recently published in *American Politics Research*, found that strict photo ID laws significantly enhance the legitimacy of election winners—an effect *larger* than the effect of post-election audits, which prior research has shown to boost voter confidence.<sup>5</sup> Notably, that legitimacy benefit held across partisan lines, including among Democratic respondents. The same study also found that photo ID laws directly increase voters’ confidence that the winner received the most legitimate votes and decrease suspicion that the winner benefited from undetected fraud.

These findings are consistent with broad public support for voter ID across the electorate. National polling has repeatedly shown that more than 80 percent of Americans, including majorities of Democrats, Republicans, and independents alike, support requiring photo ID to vote.<sup>6</sup> House Bill

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<sup>1</sup> UC San Diego Yankelovich Center, *After the 2022 Midterms: Do Americans Trust Elections?* (Dec. 2022), available at [https://yankelovichcenter.ucsd.edu/\\_files/reports/After-The-2022-Midterms-Do-Americans-Trust-Elections.pdf](https://yankelovichcenter.ucsd.edu/_files/reports/After-The-2022-Midterms-Do-Americans-Trust-Elections.pdf).

<sup>2</sup> See Lonna Rae Atkeson & Kyle L. Saunders, *The Effect of Election Administration on Voter Confidence: A Local Matter?*, 40 PS: Pol. Sci. & Pol. 655 (2007) (This study documents that voters’ perceptions of well-administered elections correlate strongly with their confidence in the results).

<sup>3</sup> The Grant Institute is a charitable 501(c)(3) organization that promotes the rigorous and objective study and analysis of the American electoral process. It supports independent academic research subject to ordinary scholarly peer-review and publication standards.

<sup>4</sup> Jeffrey Milyo, *Does Voter ID Improve Public Confidence in the Integrity of Elections?* (Univ. of Missouri Dep’t of Econ. Working Paper No. 2518, 2025), available at <https://drive.google.com/file/d/1Rio63C-FCAtpPLmXgcTvnn40M9kRT4Tp/view>.

<sup>5</sup> Christian Fong, *Voter Fraud, Voter ID, and Legitimacy* (2026), Am. Pol. Rsch., available at <https://journals.sagepub.com/eprint/ZEHENYQ4ZX7BE4TEH73J/full>.

<sup>6</sup> Pew Research Center, *Bipartisan Support for Early In-Person Voting, Voter ID, Election Day National Holiday* (Feb. 7, 2024) (finding 81 percent of Americans, including 69 percent of Democrats, support requiring all voters to show

458 brought Ohio’s in-person voting rules into line with that public consensus, and Ohio’s existing absentee framework provides practical parallel ID requirements for mail-in voters through driver’s license numbers, the last four digits of a Social Security number, or a copy of a photo ID. Together, these provisions establish a coherent ID regime that protects every mode of voting, while simultaneously minimizing any burdens on Ohio’s voters.

## II. Why a Constitutional Amendment, and Why Now

Members of the Committee may reasonably ask why this requirement belongs in the Ohio Constitution when it is already the law of the state. I offer three reasons, drawn in part from firsthand experience.

**First, statutory photo ID laws have been undone elsewhere, and Virginia is the cautionary tale.** In 2013, I helped design and implement Virginia’s photo ID law.<sup>7</sup> By every objective measure, the law was a success. It was implemented thoughtfully, accompanied by a robust public education campaign and a free ID provision, and it survived an exhaustive federal court challenge. After a full bench trial, the U.S. District Court for the Eastern District of Virginia found that those challenging the law had identified “no voters” “who have been deprived of their opportunity to vote.”<sup>8</sup> The Fourth Circuit Court of Appeals affirmed.<sup>9</sup>

Despite the courts’ findings and a several-year operational track record, the General Assembly repealed Virginia’s photo ID requirement in 2020, after a single legislative election flipped control of the General Assembly.<sup>10</sup> Virginia thereby became the only state in the nation to legislatively repeal a strict photo ID requirement. This would not have been possible had the requirement been part of the Constitution of Virginia. The General Assembly would have had to refer a repeal amendment to the voters, who—given the consistent and overwhelming popularity of photo ID—would almost certainly have rejected it.

Although voter ID appears to have strong support among the current iteration of the Ohio General Assembly, Virginia’s experience demonstrates that no law is permanently secure just because it is broadly popular and administered smoothly. Enshrining the requirement in the Ohio Constitution

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government-issued photo identification), available at <https://www.pewresearch.org/politics/2024/02/07/bipartisan-support-for-early-in-person-voting-voter-id-election-day-national-holiday/>.

<sup>7</sup> Va. S.B. 1256, 2013 Gen. Assemb., Reg. Sess. (Va. 2013), available at <https://lis.virginia.gov/bill-details/20131/SB1256>.

<sup>8</sup> *Lee v. Virginia State Bd. of Elections*, 188 F. Supp. 3d 577, 608 (E.D. Va. 2016), *aff’d*, 843 F.3d 592 (4th Cir. 2016).

<sup>9</sup> *See Lee v. Virginia State Bd. of Elections*, 843 F.3d 592 (4th Cir. 2016).

<sup>10</sup> Va. H.B. 19 & S.B. 65, 2020 Gen. Assemb., Reg. Sess. (Va. 2020) (enacted).

ensures that any future change must come directly from the people of Ohio, not from a single legislative majority acting in the heat of the moment.

**Second, Ohio’s photo ID law has already withstood federal constitutional challenge.** In January of 2024, the U.S. District Court for the Northern District of Ohio granted summary judgment for the state in *Northeast Ohio Coalition for the Homeless v. LaRose*, upholding the photo ID and related provisions of House Bill 458.<sup>11</sup> Judge Donald Nugent, a Clinton appointee, wrote that “it is hard to conceive how the photo-ID requirements of HB 458 actually *prevent[]* someone from voting, or even impede[] them from voting.”<sup>12</sup> The decision was so conclusive that plaintiffs did not even bother to appeal. RITE was proud to support the defense of that law. The federal constitutional question in Ohio and elsewhere is, for practical purposes, settled.<sup>13</sup>

**Third, a constitutional amendment forecloses future state-constitutional challenges.** Statutory voter ID requirements have been successfully challenged on state-constitutional grounds in a number of states, including Missouri,<sup>14</sup> Pennsylvania,<sup>15</sup> Arkansas,<sup>16</sup> and North Carolina.<sup>17</sup> Most recently, in 2024, the Montana Supreme Court struck down a state statute that had narrowed the types of acceptable voter IDs, expressly holding that the state constitution provides protection for voting rights *broader* than the U.S. Constitution’s.<sup>18</sup> In other words, some state courts are setting a much higher bar for photo ID laws to clear under their state constitutions than federal courts do under the U.S. Constitution. That is exactly the sort of outcome Ohio can avoid. Each time such a challenge succeeds, a state legislature must either start over from scratch or pursue a constitutional amendment as the only durable path forward. Ohio can avoid that cycle by acting now. Enshrining photo ID in

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<sup>11</sup> *Ne. Ohio Coal. for the Homeless v. LaRose*, 767 F.Supp.3d 585 (N.D. Ohio Jan. 8, 2024).

<sup>12</sup> *Id.* at 607 (emphasis in original).

<sup>13</sup> Federal courts have similarly upheld photo ID requirements in numerous other states. See, e.g., *Crawford v. Marion Cnty. Election Bd.*, 553 U.S. 181 (2008) (upholding Indiana’s photo ID law); *Common Cause/Ga. v. Billups*, 554 F.3d 1340 (11th Cir. 2009) (upholding Georgia’s), *cert. denied*, 556 U.S. 1282 (2009); *Frank v. Walker*, 768 F.3d 744 (7th Cir. 2014) (upholding Wisconsin’s).

<sup>14</sup> *Weinschenk v. State*, 203 S.W.3d 201 (Mo. banc 2006) (holding that photo identification requirement in Senate Bill 1014 violated the right of suffrage under the Missouri Constitution).

<sup>15</sup> *Applewhite v. Commonwealth*, No. 330 M.D. 2012, 2014 WL 184988 (Pa. Commw. Ct. Jan. 17, 2014) (permanently enjoining enforcement of Pennsylvania’s 2012 voter ID law as violative of the fundamental right to vote under the Pennsylvania Constitution; the Commonwealth declined to appeal the ruling to the state Supreme Court).

<sup>16</sup> *Martin v. Kohls*, 2014 Ark. 427, 444 S.W.3d 844 (2014) (striking down Act 595 of 2013 as facially unconstitutional under Article 3, Section 1 of the Arkansas Constitution).

<sup>17</sup> *Holmes v. Moore*, 2022-NCSC-122, 881 S.E.2d 486 (N.C. 2022) (holding that Senate Bill 824 was enacted with racially discriminatory intent in violation of the North Carolina Constitution), *reversed on rehearing*, 384 N.C. 426, 886 S.E.2d 120 (N.C. 2023).

<sup>18</sup> *Montana Democratic Party v. Jacobsen*, 2024 MT 66, 416 Mont. 44 (2024) (striking down 2021 S.B. 169 and related voting laws as unconstitutional under Article II, Sections 13 and 14 of the Montana Constitution).

the Ohio Constitution requires even an unsympathetic state court judge to read the requirement in harmony with other provisions of the Ohio Constitution.

I respect the concern that some members may be reluctant to place election rules in the state constitution rather than leaving them in statute. The Ohio Constitution should not prescribe every detail of public policy. But election rules are uniquely susceptible to partisan reversal when they rest on statute alone, because every legislative election creates a new majority with both the means (and, at times, the motive) to revise them. The Ohio Constitution already addresses the most foundational features of state election administration, including the elector qualifications and secret-ballot requirement in Article V. Adding a photo ID requirement fits comfortably within that constitutional framework. And it takes the question out of legislative politics and gives it directly to the people of Ohio, where in a matter of this importance it properly belongs. S. J. R. No. 10 is carefully drafted with that distinction in mind. It establishes the photo ID principle at the constitutional level while expressly leaving the General Assembly to set some implementation details through regular legislation. The broader principle is permanent, but the specifics remain flexible.

A concern runs in the opposite direction as well. For mail-in ballots, S. J. R. No. 10 permits a voter to satisfy the ID requirement by providing an alphanumeric identifier, such as a driver's license number or the last four digits of a Social Security number, rather than mandating a photocopy of a photo ID in every case. There are concerns that the amendment does not require the photocopy outright. The answer reflects a deliberate design choice: the amendment sets a constitutional floor, not a ceiling. It guarantees that Ohio will always require some meaningful form of ID for mail-in voting, while leaving the General Assembly free to require more, including a copy of a photo ID, through ordinary legislation. Nothing in the amendment forecloses that step.

We understand the position of those who would prefer that a photocopy requirement be written directly into the Constitution, and we share the goal of robust identification verification for every mode of voting. The amendment is designed to accommodate exactly that policy. It simply leaves the choice to the General Assembly whether and how to build on that baseline. As it stands, an alphanumeric identifier is precisely how Ohio's current absentee framework already operates.<sup>19</sup> These types of requirements have also proven judicially durable: in August 2025, the Fifth Circuit Court of

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<sup>19</sup> See Ohio Rev. Code § 3509.03.

Appeals upheld Texas’s mail-ballot ID-number requirement against federal challenge.<sup>20</sup> An alphanumeric standard is thus a proven, court-tested minimum requirement.

### **III. Conclusion**

The question before this committee is not primarily about whether voter ID is good policy. Ohio voters, the General Assembly, and a federal court have all answered that question. The question is whether voter ID is to remain a policy that survives every election in Ohio, or a policy that the people of Ohio themselves decide. Virginia’s experience shows what happens when statewide photo ID protections rest on statute alone. Ohio should avoid repeating Virginia’s mistake. Ohio’s experience shows what a thoughtfully designed and vigorously defended photo ID law can accomplish and you can ensure that it remains permanent. I respectfully urge this committee to put that question to the voters.

Thank you for your time and your attention. I am happy to answer any questions the committee may have.

Respectfully submitted,

/s/

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<sup>20</sup> See *United States v. Paxton*, 148 F.4th 335 (5th Cir. 2025).