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**STATEMENT OF JON A. HUSTED**  
**OHIO SECRETARY OF STATE**

**ON**

**THE PRESIDENT'S EXECUTIVE ACTIONS ON IMMIGRATION AND THEIR  
IMPACT ON FEDERAL AND STATE ELECTIONS**

**BEFORE THE**

**U.S. HOUSE OF REPRESENTATIVES SUBCOMMITTEES ON NATIONAL  
SECURITY AND HEALTHCARE, BENEFITS & ADMINISTRATIVE RULES**

**FEBRUARY 12, 2015**

Chairman DeSantis, ranking member Lynch and members of the Subcommittee on National Security and Subcommittee on Healthcare, Benefits and Administrative Rules, my name is Jon Husted and I am the Ohio's Secretary of State, and in that capacity I serve as our state's chief elections official.

Thank you for the opportunity to be here today to proactively address what I believe is an important issue facing my state and the nation regarding the integrity of our elections.

As the chief elections official in a key swing state, I have tried to build an elections system where it is easy to vote and hard to cheat. We've done this by ensuring easy access to the voting process and by working to ensure that only eligible voters are on the voting rolls.

I want to bring to your attention my concern that the President's recent *Immigration Accountability Executive Actions* will make it more difficult for elections officials to determine if all voters meet the primary standard for voting – U.S. citizenship.

I am not here to debate immigration policy or the President's executive actions. However, I am here to emphatically say that we cannot follow both the federal law and the executive action and ensure the integrity of the elections process without further assistance from Congress and the Obama administration.

I'll briefly explain why.

For an estimated four to five million non-citizens, the President's executive actions provide access to Social Security numbers and driver's licenses. These are the same documents that federal law requires the states to recognize as valid forms of identification for voter registration.

Under federal law, anyone with a valid Social Security number or driver's license number can register to vote, provided they attest that they are a U.S. citizen. However, there is no way for us to validate this citizenship statement, since under the executive actions previously undocumented non-citizens will have access to the same documents as U.S. citizens. The issue becomes especially complicated in states like Ohio where millions of dollars are spent on third-party voter registration drives where no election official would be present to make clear the eligibility requirements for voting.

By signing a voter registration form and asserting citizenship, falsely or erroneously, non-citizens could face real legal consequences. In Ohio, falsification is a 5<sup>th</sup> degree felony – this could affect their ability to remain in the United States and become citizens.

Let me interject some perspective before I go further. It is not my belief that four to five million non-citizens are going to get on the voting rolls, nor is it my belief that third-party registration drive organizers are waiting to exploit a loophole in law.

While I am committed to ensuring the security and integrity of elections in Ohio and throughout the country; it is important for us to recognize that people can sometimes sign documents – in this case a voter registration forms – without fully comprehending the rules and requirements.

Acknowledging that I do not expect this to be a systemic or widespread problem, we also cannot ignore that there are real electoral consequences. Presidential elections get the most attention, but every year there are thousands of state and local elections in Ohio, and in the last 15 months alone, 70 elections were decided by one vote or tied.

These were mayoral races, school and tax levies, bond issues, members of city councils, township trustees and school boards. In light of these examples alone we simply cannot overlook policies that may allow ineligible voters to cast ballots.

We want to find the least intrusive solution to closing this loophole without making it unnecessarily difficult to register or vote.

While opinions may vary as to the best solution for this issue, one thing is clear: We cannot solve this federal problem solely at the state level alone.

In a letter to President Obama on January 27, I asked that his administration provide state elections officials with real-time access to accurate, searchable, electronic databases of non-citizens who have valid Social Security numbers.

This would enable me and my counterparts in other states to prevent illegal registrations, and more importantly, reassure the public that steps have been taken to ensure only eligible voters are participating in federal, state and local elections.

In Ohio, we are doing what we can to prevent non-citizen registrations and voting.

We electronically share data between the state's bureau of motor vehicles and the county boards of elections, which process voter registrations. This partnership and the data provided have allowed my office to conduct a review of Ohio's voter rolls to determine if, through the use of a driver's license, non-citizens were registered to vote in Ohio.

Following the 2012 Presidential election we found through driver's license information that 291 non-citizens were registered to vote and 17 had actually cast ballots. Those 17 were referred for further investigation and possible prosecution and my office sent letters to the other 274 to cancel their voter registrations.

However, without federal assistance we cannot perform the same cross match on registrations using Social Security numbers. As a result, these executive actions could significantly increase the potential pool of illegal registrations in Ohio and around the country.

It is also important to note that federal law limits the ways states can maintain their voter rolls, in some cases prohibiting states from removing a voter from the rolls until they have been inactive for two consecutive federal general elections. That means that when evidence suggests

that a person is a non-citizen on the rolls we cannot remove them immediately, they have to remove themselves.

This makes it especially important that we prevent an ineligible voter from getting on the rolls in the first place.

As I stated earlier, my focus as the chief elections official in Ohio is to make it easy to vote and hard to cheat. The debate over voter fraud and voter suppression already breeds significant hyperbole from across the political spectrum that erodes public confidence. In this environment, administering elections fairly and accurately becomes more difficult when a path exists by which millions more non-citizens can register to vote and elections officials have no way to identify these individuals.

What we need to resolve this problem is access to the names, date of birth and last four digits of Social Security numbers for non-citizens who receive a Social Security number. We can then cross match that information with our statewide voter database.

I welcome any assistance this committee is able to provide me and my colleagues across the nation.

With your help, we can ensure the confidence of the American voter remains intact by preserving the integrity of our elections systems.

Thank you again for the opportunity to come before the committee today to speak on this issue. I am happy to answer any questions.



# Jon Husted

Ohio Secretary of State



As Ohio's 53rd Secretary of State, Jon Husted is responsible for oversight of elections in one of the nation's most hotly-contested swing states. Under his leadership, Ohio delivered a smooth 2012 Presidential Election and 2014 Gubernatorial Election. To ensure all voters were treated fairly and equally, Husted has worked to

implement uniform rules that included the first ever statewide absentee ballot application mailing to voters in all 88 counties in 2012 and again in 2014, as well as setting expansive hours for early, in-person voting. These efforts made it easier to vote and helped reduce the chance of long lines at the polls on Election Day.

From using technology to streamline the voting process to cleaning up Ohio's voter rolls, and making it easier for military families to vote no matter where their service takes them, Jon is always looking to improve how we run elections in Ohio – and it's getting noticed nationally. In 2013, the *Washington Post's* blog "The Fix" named him one of their "Top 10 Rising Stars" in America. For his outreach to military families, Jon was recently recognized by the Association of the United States Army and Ohio was deemed an *All-Star State* by the Military Voter Protection Project. Under his watch, Ohio also received high marks for elections preparedness by voter advocacy groups, including Common Cause, the Verified Vote Foundation and Rutgers University Law School. In addition, Jon currently serves as co-chair of the National Association of Secretaries of State Election Committee and previously served on the organization's Executive Board and as Vice President for its Midwestern Region.

In addition to serving as chief elections official, the Secretary of State is also the custodian of business filings in Ohio. Secretary Husted is committed to ensuring that Ohio's job creators have a positive first interaction with the state of Ohio. He has achieved this through innovative reforms like allowing businesses to file online and reminds his team that government should be in the business of good customer service, working every day to eliminate bureaucratic delays that cost businesses time and money. During his tenure Ohio has seen record business filings five years in a row.

## PREVIOUS SERVICE AND PERSONAL HISTORY

Jon Husted was first elected to public office in 2000 as a member of the Ohio House of Representatives. Only four years later, Jon's colleagues elected him Speaker of the Ohio House, making him one of the youngest ever to lead the body.

As Speaker, Jon was instrumental in passing the most fiscally-conservative budget in 40 years that included the reform of the state tax code and the largest income tax cut in Ohio's history. He also led the passage of the Ed Choice Scholarship -- a school choice option for children trapped in chronically-failing schools -- and the creation of the Choose Ohio First Scholarship to encourage Ohio students studying in the STEM disciplines of science, technology, engineering, mathematics and medicine. For his legislative work, he's proud to have been recognized as a *Watchdog of the Treasury* and as a *Legislative Trail Blazer* by School Choice Ohio.

After serving two terms as Speaker, Husted was elected to the Ohio Senate, where he was a leading advocate for redistricting reform – a cause he continues to champion as Secretary of State.

Raised in Montpelier, Ohio, Husted attended the University of Dayton (UD), where he earned All-American Defensive Back honors as a member of the 1989 Division III National Championship football team. After receiving his bachelor's and master's degrees from UD, Husted stayed in the Dayton area where he served as Vice President of Business and Economic Development at the Dayton Area Chamber of Commerce.

With all of his responsibilities, Secretary Husted considers his most important roles as that of husband to his wife Tina and father to his children, Alex, Katie and Kylie.

## JON HUSTED'S

### KEY GOALS FOR THE OHIO SECRETARY OF STATE'S OFFICE

- Provide leadership that builds trust and confidence in Ohio's system of elections through consistent and timely policy directives, just arbitration of disputes and enhanced services to voters and county boards of election.
- Enhance economic growth and job creation using technology and customer service practices that save businesses time and money.



# DUTIES AND RESPONSIBILITIES

## CHIEF ELECTIONS OFFICER

As Ohio's chief elections officer, the Secretary of State oversees the elections process and appoints the members of boards of elections in each of Ohio's 88 counties. The Secretary of State supervises the administration of election laws; reviews statewide initiative and referendum petitions; chairs the Ohio Ballot Board, which approves ballot language for statewide issues; canvasses votes for all elective state offices and issues; oversees the investigation of election fraud and irregularities; trains election officials, and works with counties to train poll workers. The Elections Division of the Secretary of State's office also compiles and maintains election statistics and other election-related records.

### *Campaign Finance Compliance*

Statewide and state legislative candidates' campaign finance reports are filed with the office, together with the reports for state political action committees (PACs), state political parties and legislative caucus campaign committees.

### *Apportionment Board*

The Secretary of State is a member of the Ohio Apportionment Board, which meets every 10 years following the decennial census. The five-member board redraws boundaries for each of the 99 Ohio House and 33 Ohio Senate districts to reflect population changes. Other members of the Apportionment Board are the Governor, the Auditor of State and two members, one Republican and one Democrat, appointed by state legislative leaders.

## GRANTING AUTHORITY TO DO BUSINESS IN OHIO

The Business Services Division receives and approves articles of incorporation for Ohio business entities and grants licenses to out-of-state corporations seeking to do business in Ohio. Limited partnerships and limited liability companies also file with the Secretary of State's office.

The Corporations Section of the Business Services Division also approves amendments to filed documents, mergers, consolidations and dissolutions, registers trademarks, trade names, service marks and fictitious names. This section also approves and keeps a registry of business names, names and addresses of statutory agents, incorporators' names, corporations' charter numbers, dates of incorporation, and the number of authorized shares per corporation.

### *Documenting Secured Commercial Transactions*

Secured parties file financing statements in the Uniform Commercial Code section of the Business Services Division to claim an interest in collateral used for a loan and to have the claim indexed for public notice.

## RECORDS CERTIFICATION & FILING

### *Document Certification*

The Secretary of State provides authentication of documents for use overseas. Authentications are in the form of either an apostille or a gold seal certificate. Apostilles are used for documents pertaining to countries that are part of the Hague Convention of 1961. Gold seal certificates are used if a country is not part of this convention.

### *Historical Records*

All laws passed by the Ohio General Assembly, municipal charters, administrative rules adopted by agencies, and executive orders issued by the Governor are filed with the Secretary of State's office.

### *Minister Licenses*

The Secretary of State's office licenses ministers for the purpose of solemnizing marriages in Ohio. Licenses are issued to any ordained or licensed minister of any religious society or congregation requesting the license.

### *Notary Commission*

Part of the Secretary of State's office, the Notary Commission maintains records of all registered notaries in Ohio. Additional information is available on the duties and requirements of notaries in Ohio, as well as guidelines for newly commissioned notaries public on our website at [www.OhioSecretaryofState.gov](http://www.OhioSecretaryofState.gov).