



OHIO COMMON GROUND RESEARCH CENTER

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Ohio Issue 3: The Proposed Voter Photo Identification Constitutional Amendment

*What Substitute Senate Joint Resolution 10 Does, What It Does Not Do,
and What Future Legislation Can and Cannot Do Under It*

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Executive Summary

This report discusses Ohio Issue 3, a proposed amendment to the Ohio Constitution that will appear on the November 3, 2026 general election ballot. Issue 3 originated as Substitute Senate Joint Resolution 10 ("SJR 10"), passed the Ohio Senate 22–9 on June 3, 2026, passed the Ohio House of Representatives 62–30 on June 10, 2026, and was filed with the Secretary of State on June 11, 2026. Both votes exceeded the three-fifths-of-members-elected threshold that Article XVI, Section 1 of the Ohio Constitution requires for the General Assembly to submit a constitutional amendment to the electorate. The Ohio Ballot Board certified the ballot language and explanation on August 3, 2026.

If approved by a simple majority of those voting on the question, Issue 3 would enact a new Section 5 of Article V of the Ohio Constitution. As written, the new section requires photo identification to vote in person, subject to a provision allowing an alternative method for electors with a sincere religious objection to being photographed, and separately requires that any non-in-person voting method authorized by law involve, at minimum, photo identification or — if state law authorizes it — a signature plus one other unique identifier.

This report's central finding is that Issue 3's principal legal mechanism is constitutional entrenchment of an existing statutory requirement, not the creation of a new voter-facing requirement. Ohio has required photo identification for in-person voting since House Bill 458 took effect on April 7, 2023 (codified principally in R.C. 3501.01(AA) and 3505.18, with related provisional-ballot provisions in R.C. 3505.181 through 3505.183). The text of proposed Section 5(A) and the definition of "photo identification" in Section 5(C)(1) track the categories of acceptable identification already found in current law. This report's central finding is independently corroborated by the Ohio Legislative Service Commission's own resolution analysis of SJR 10, which likewise describes the proposal as not requiring changes to Ohio's current statutory voter-ID requirements while limiting how those requirements could be changed in the future. This report separately describes what the amendment does not address — including absentee/mail voting identification procedures, provisional ballot and cure-period rules, and enforcement mechanisms — and what future legislation could and could not do if Issue 3 is approved, including a close look at a related bill, House Bill 472, that would have added a photo identification requirement to absentee voting and was vetoed by Governor Mike DeWine on June 24, 2026.

This report does not evaluate whether Ohio voters should approve or reject Issue 3, whether voter impersonation fraud is a significant problem in Ohio, or whether constitutional entrenchment of election administration rules is, on balance, good or bad policy. It documents what the amendment's text does and does not do, situates that text against the current statutory baseline, and presents the certified ballot language, certified explanation, and the statutory pro/con arguments filed for this issue. See Limitations and What This Report Does Not Claim.

Key Findings

- **Issue 3 constitutionalizes an existing statutory requirement.** Ohio has required photo identification for in-person voting since April 7, 2023, under House Bill 458. Issue 3's Section 5(A) and 5(C)(1) restate, rather than expand, that requirement and its list of acceptable documents.
- **The amendment does not itself require photo identification for absentee or mail voting.** Section 5(B) sets a floor: any non-in-person voting method must involve photo ID or, if authorized by law, a signature plus one other unique identifier. Current Ohio law authorizes the latter alternative (a driver's license or state ID number, or the last four digits of a Social Security number, accompanying a signed application or ballot). This report reads that existing alternative as satisfying Section 5(B) as written.

- **A separate, related bill to require absentee photo identification was vetoed one week after Issue 3 passed the legislature.** House Bill 472 would have required photo identification to request or return an absentee ballot beginning with the November 2027 general election. Governor Mike DeWine vetoed HB 472 on June 24, 2026, calling it "all burden for so little benefit." Whether Ohio adopts an absentee photo-ID requirement in the future remains a matter of ordinary legislation and gubernatorial action, independent of whether Issue 3 passes.
- **Issue 3's principal legal effect is to change how the underlying requirement can be altered in the future, not what the requirement currently is.** A statute can be amended or repealed by an ordinary legislative majority, subject to gubernatorial veto. A constitutional provision can be repealed or narrowed only through another constitutional amendment process — a three-fifths legislative referral or a citizen initiative petition, in either case followed by a statewide majority vote. This reading is corroborated by the Legislative Service Commission's own nonpartisan resolution analysis of SJR 10, which reaches a substantially similar conclusion.
- **The amendment's list of acceptable photo identification documents is written into the constitutional text itself, raising two distinct and unresolved interpretive questions.** The first is whether the General Assembly could add an entirely new category of qualifying document (for example, a county-issued identification card) by ordinary statute or would instead need a further constitutional amendment. The second, narrower question is whether a new technological format of an already-listed document — for example, a state driver's license issued in mobile or digital form — would still qualify under Section 5(C)(1)'s existing categories. This report treats both as open questions, presents proponent and opponent framing of them, and reaches no legal conclusion of its own. See Interpretive Considerations.
- **The amendment does not address several adjacent election-administration topics also connected to identification and access.** Provisional ballot procedures, the affidavit process for the religious-objection accommodation, ballot drop box rules, absentee ballot return deadlines, and funding for free state identification cards are all governed by existing statute and are not addressed in the proposed constitutional text. Except where a future statute would conflict with Section 5's floor, the General Assembly retains ordinary authority over these topics regardless of the outcome of Issue 3.
- **Both the amendment's sponsors and its legislative opponents describe its function similarly, while differing on its value.** Sponsor testimony framed the amendment as a durability measure, pointing to Virginia's 2020 repeal of a state photo ID law after a change in legislative control as the rationale for constitutional entrenchment. Opponent and interested-party testimony from groups including the ACLU of Ohio and Common Cause Ohio did not dispute that Ohio already requires photo ID by statute, but argued that entrenching an existing, uncontested requirement was unnecessary and would reduce the General Assembly's flexibility to adapt identification methods as technology changes.

Data and Methodology

This report's description of proposed Section 5 of Article V is drawn from the enrolled text of Substitute Senate Joint Resolution 10, as adopted by the Ohio Senate and House of Representatives and filed with the Ohio Secretary of State on June 11, 2026. This report's description of the ballot language and explanation is drawn from the certified text issued by the Ohio Ballot Board on August 3, 2026, pursuant to Article XVI, Section 1 of the Ohio Constitution and R.C. 3505.062. This report's description of the statutory pro/con arguments is drawn from the arguments filed with, and published by, the Secretary of State's office under R.C. 3505.062, prepared respectively by legislators supporting and opposing the amendment.

This report's description of current Ohio voter identification law is drawn from the Ohio Revised Code (principally R.C. 3501.01(AA), which defines "photo identification," and R.C. 3505.18, which sets the in-

person presentation requirement, together with the related provisional-ballot provisions at R.C. 3505.181 through 3505.183), House Bill 458 (134th General Assembly, effective April 7, 2023) and its Legislative Service Commission analysis, Ohio Secretary of State Directive 2023-03 and successor directives, the Ohio Secretary of State's public voter-identification guidance, and contemporaneous reporting on House Bill 472 (136th General Assembly), its Legislative Service Commission analysis, and its veto. This report also draws on the Legislative Service Commission's resolution analysis and fiscal note for SJR 10 itself. Legislative history for SJR 10 — introduction, committee referral, hearings, floor votes, and filing — is drawn from the Ohio General Assembly's official bill-tracking system (legislature.ohio.gov) and from committee testimony submitted by proponents, opponents, and interested parties.

Status date: August 25, 2026. This report reflects the public record as of that date and is subject to revision; see Revision History.

Definitions

- **Principal legal mechanism.** What a measure's operative text actually requires, prohibits, authorizes, or creates, as distinct from its title or the framing offered in sponsor statements, campaign materials, or press coverage. This report applies the same classification approach used throughout the OCG Legislative Tracker series.
- **Entrenchment.** This report's term for the effect of moving a rule from ordinary statute (changeable by a legislative majority, subject to gubernatorial veto and override) into the Ohio Constitution (changeable only through a further constitutional amendment process and a statewide vote). This report uses the term descriptively, not as a value judgment.
- **Floor versus ceiling.** A constitutional "floor" sets a minimum requirement the General Assembly cannot go below by ordinary statute; it does not by itself prevent the General Assembly from requiring more, unless the constitutional text also caps what can be required. This report uses this distinction throughout its analysis of Section 5(B).
- **Closed list.** A list of qualifying items stated exhaustively within a legal text ("one of the following documents"), as opposed to an illustrative or non-exhaustive list. This report's use of this term in connection with Section 5(C)(1) reflects the text's own drafting choice, not an independent legal conclusion about how a court would interpret it.
- **Sincere religious objection accommodation.** The provision, both in current Ohio Secretary of State directives and in proposed Section 5(A), permitting an elector who does not possess photo identification because of a sincere religious objection to being photographed to verify their identity through an alternative method.

Background: Ohio's Current Statutory Voter Identification Law

Issue 3 cannot be described in isolation from the statutory law it would place into the Ohio Constitution. Before House Bill 458, Ohio voters could establish their identity at the polls using non-photo documents such as a current utility bill, bank statement, or paycheck. House Bill 458, signed by Governor DeWine on January 6, 2023 and effective April 7, 2023, eliminated that non-photo option for in-person voting and required voters to present a valid, unexpired photo identification document. The law also eliminated the fee for a state identification card obtained from the Bureau of Motor Vehicles for voting purposes, shortened the absentee ballot request and cure-period windows, reduced the number of ballot drop boxes permitted per county to one, and eliminated in-person early voting on the day before Election Day.

Acceptable in-person photo identification under current law

Under current Ohio Secretary of State guidance implementing House Bill 458, the following documents are acceptable to vote a regular ballot in person, provided they are unexpired and include the voter's name and photograph: an Ohio driver's license or state identification card (or an interim identification form issued by the Bureau of Motor Vehicles); a U.S. passport or passport card; and a U.S. military identification card, U.S. military dependent identification card, Ohio National Guard identification card, or U.S. Department of Veterans Affairs identification card. Digital or photocopied versions of these documents are generally not accepted for in-person voting under current guidance — current Secretary of State guidance specifically identifies a mobile driver's license or Ohio Mobile ID as unacceptable — with a specific administrative exception for the Department of Veterans Affairs Veteran ID Card, which that agency now issues only in digital form. This report notes, for purposes of the interpretive discussion below, that the Secretary of State's current guidance lists a "military dependent" identification card as a distinct accepted category alongside "military identification card" — a category that does not appear as its own separate item in either current statute or the text proposed for Section 5(C)(1)(c), which refers only to a "United States military identification card." Whether a military dependent ID is treated as falling within that broader statutory and constitutional phrase or instead reflects an administrative practice that runs slightly ahead of the enumerated text, is a question this report has not resolved.

A voter who does not present qualifying photo identification at the polls may cast a provisional ballot, which is counted only if the voter later provides qualifying identification within the statutory cure period. A voter who has a sincere religious objection to being photographed may instead complete an Affidavit of Religious Objection prescribed by the Secretary of State and verify identity by an alternative method.

Absentee (mail) voting identification under current law

Current law does not require photo identification to request or return an absentee ballot. A voter applying for or returning an absentee ballot may instead provide a copy of a qualifying photo identification document, an Ohio driver's license or state identification card number, or the last four digits of a Social Security number, together with the voter's signature on the application or ballot envelope. Election officials additionally verify that the voter's signature corresponds with the signature in the voter's registration record; a signature that does not appear to correspond can trigger the ballot's rejection and the statutory cure process, rather than automatic acceptance.

A 2026 attempt to add absentee photo identification, and its veto

In June 2026 — in the same legislative session, and within roughly two weeks of the House vote on SJR 10 — the General Assembly passed House Bill 472, which would have required most absentee voters to provide a photo identification document, either when applying for a ballot or when returning it, beginning with the November 2027 general election. Based on the Legislative Service Commission's bill analysis, HB 472's exemptions were broader than a simple religious-objection carve-out: they extended to electors with a sincere religious objection, military members and other overseas voters, electors with a severe medical condition or physical disability or infirmity, electors confined in jail other than upon conviction of a felony, electors lacking transportation or mobility, and electors facing "another material obstacle" preventing them from obtaining or providing photo identification. The bill would also have allowed applicants to apply for absentee ballots online. Governor DeWine vetoed HB 472 on June 24, 2026. His veto message stated that the bill "would not discourage fraud, would not add any real security, and would create an additional and significant burden for Ohioans who vote by mail," and separately noted the bill lacked funding for county boards of elections to build the required verification systems and raised privacy concerns about a new state repository of voter photographs and identification copies. As of this report's status date, the General Assembly had not scheduled or completed an override vote, which under the Ohio Constitution requires three-fifths of the members elected to each chamber.

Constitutional amendment procedure

A provision of the Ohio Constitution may be adopted, amended, or repealed only by a vote of the state's electorate — never by an ordinary act of the General Assembly alone. Article XVI, Section 1 allows the General Assembly to place a proposed amendment on the ballot if three-fifths of the members elected to each chamber agree; Article II, Section 1a-g separately allows citizens to place a proposed constitutional amendment on the ballot through an initiative petition process. In either case, the proposal takes effect only if approved by a simple majority of those voting on the question. By contrast, an ordinary statute — such as House Bill 458 or House Bill 472 — can be enacted, amended, or repealed by a simple majority of each chamber and the Governor's signature (or a three-fifths override of a veto), without any statewide vote. This distinction is the legal foundation for this report's discussion of what Issue 3 would and would not change; see What Issue 3 Does and What Issue 3 Does Not Do, below.

Legislative History of Substitute Senate Joint Resolution 10

Senate Joint Resolution 10 was introduced in the Ohio Senate by Senators Jane Timken and Theresa Gavarone. A substitute version was reported and advanced through the legislative process as follows, based on the General Assembly's official bill-tracking system and committee records:

- Introduced in the Senate and referred to the Senate General Government Committee, spring 2026.
- Senate General Government Committee hearings included proponent testimony (for example, from Justin Riemer, president of Restoring Integrity and Trust in Elections) and opponent and interested-party testimony (for example, from the ACLU of Ohio and Common Cause Ohio).
- Passed the Ohio Senate 22–9 on June 3, 2026 — a margin exceeding the three-fifths-of-members-elected threshold (at least 20 of 33) Article XVI, Section 1 requires.
- Referred to the Ohio House of Representatives, where a substitute version received further committee hearings, including additional opponent testimony from the ACLU of Ohio.
- Passed the Ohio House of Representatives 62–30 on June 10, 2026 — a margin exceeding the three-fifths-of-members-elected threshold (at least 60 of 99). Some contemporaneous news reports at the time of passage cited a 61–27 tally; this report follows the official vote record.
- Adopted by the House on June 10, 2026, and filed in the office of the Ohio Secretary of State on June 11, 2026, for submission to the electorate at the November 3, 2026 general election.
- The Ohio Ballot Board, chaired by the Secretary of State, certified the ballot language and the explanation for the amendment on August 3, 2026, pursuant to R.C. 3505.062.

Sponsor testimony framed the amendment as a durability measure rather than a change in current practice. Senator Timken told the Senate that Virginia had enacted a photo ID law for voting, that the law survived judicial challenges, but that Virginia repealed its photo ID requirement in 2020 after control of a single legislative seat changed hands — and presented that history as the reason to place Ohio's existing requirement beyond the reach of an ordinary legislative majority. Opponent and interested-party testimony, including from the ACLU of Ohio and Common Cause Ohio, did not dispute that Ohio has required photo ID for in-person voting since 2023, but argued that the requirement was already settled law and that placing it in the Constitution was, in Common Cause Ohio's characterization, unnecessary and better left to statute and Secretary of State directives that can be adjusted as election administration and technology change. A legislator who voted against the resolution, State Representative Erika White, stated in a public release that SJR 10 does not create a new requirement but instead "places an existing statute into the Ohio Constitution," and separately raised concern that the resolution's fixed text does not account for likely future changes in identification technology.

What Issue 3 Does

If approved, Issue 3 enacts a new Section 5 of Article V of the Ohio Constitution with three operative parts, discussed in turn below.

Section 5(A): In-person photo identification requirement

Section 5(A) requires electors to provide photo identification to vote in person at a polling place or other voting location designated by law, in accordance with laws passed by the General Assembly, except that the laws may provide an alternative method of verifying identity for an elector who does not have photo identification because of a sincere religious objection to being photographed. This restates, in constitutional text, the in-person photo identification requirement and religious-objection accommodation that have existed in Ohio statute and Secretary of State directives since House Bill 458 took effect in April 2023.

Section 5(B): Floor for non-in-person voting methods

Section 5(B) provides that, at a minimum and in accordance with laws passed by the General Assembly, electors shall provide photo identification or, if authorized by law, a signature and at least one other unique identifier, in order to vote by any other method authorized by law — meaning absentee, mail, or any other non-in-person voting method the General Assembly permits. This section is written as a floor: it identifies the least identification the General Assembly may require for non-in-person voting; it does not by its terms prevent the General Assembly from requiring more (for example, a photo identification document) if it chooses to do so by statute.

Section 5(C): Definitions

Section 5(C) defines "photo identification" as a document issued by an agency of Ohio or the United States that includes the elector's name and photograph and is not expired, limited to three categories: (1) an Ohio driver's license or state identification card issued by the Bureau of Motor Vehicles or its successor agency, or a temporary document issued by that agency containing the same information; (2) a United States passport or passport card; and (3) a United States military identification card, an Ohio National Guard identification card, or an identification card issued by the United States Department of Veterans Affairs or its successor agency. Section 5(C) separately defines "other unique identifier," for purposes of the Section 5(B) alternative, as a unique numeric or alphanumeric descriptor assigned to the elector by a state or federal agency, or a truncated version of such a descriptor — language consistent with the driver's license number, state ID number, or last-four-digits-of-Social-Security-number options already used in current absentee voting practice.

Effective date

Section 5, if adopted, takes effect immediately upon voter approval.

What Issue 3 Does Not Do

This section describes topics that a reader might reasonably associate with a "voter ID amendment" but that the text of Section 5 does not address. In each case, the topic remains governed by existing statute, Secretary of State directive, or ordinary future legislation, regardless of whether Issue 3 passes.

- **It does not itself require photo identification for absentee or mail voting.** As discussed above, Section 5(B) permits — but does not by itself impose — a photo ID requirement for non-in-person

voting, so long as whatever method the General Assembly authorizes meets the floor of photo ID or signature-plus-identifier.

- **It does not specify provisional ballot procedures or cure-period deadlines.** The process by which a voter without qualifying ID at the polls casts a provisional ballot, and the number of days that voter has to return with acceptable identification, remain governed by R.C. 3505 and Secretary of State directives, unchanged by Section 5's text.
- **It does not specify the form or administration of the religious-objection accommodation.** Section 5(A) states that the accommodation may exist; it leaves the affidavit form, verification procedure, and any recordkeeping requirements to statute and administrative directive, as is the case today.
- **It does not address ballot drop boxes, early voting days, or absentee ballot return deadlines.** These topics — separately addressed by House Bill 458 and later legislation — are outside Section 5's text and remain subject to ordinary statute.
- **It does not fund or create a free identification program.** The elimination of the state ID card fee for voting purposes was accomplished by House Bill 458 as a matter of statute; Section 5 does not itself address fees, funding, or BMV administration.
- **It does not create new civil or criminal enforcement mechanisms.** Section 5 contains no enforcement, penalty, or audit provisions; enforcement of Ohio's election laws generally continues to be governed by existing statute.
- **It does not address digital or mobile identification credentials.** Section 5(C)(1)'s definition of "photo identification" does not mention digital wallets, mobile driver's licenses, or similar emerging credential formats, which current Secretary of State guidance already treats as non-qualifying for in-person voting. Whether such a format could later qualify under Section 5(C)(1) by ordinary statute, or would instead require a further constitutional amendment, is an open interpretive question this report does not resolve; see Interpretive Considerations.
- **It does not resolve the pending veto-override question on House Bill 472.** Whether the General Assembly attempts to override the Governor's veto of the absentee photo-ID bill is a separate, ordinary legislative question unaffected by whether Issue 3 passes.

Comparison: Current Statutory Law and the Proposed Constitutional Text

The table below compares Ohio's current statutory voter identification framework, topic by topic, against the text the General Assembly proposed for the Ohio Constitution.

Topic	Current Statutory Law (as of Aug. 2026)	Proposed Constitutional Text (Section 5)	Effect If Issue 3 Is Approved
In-person photo ID requirement	Required since April 7, 2023 under R.C. 3501.01(AA) and 3505.18 (H.B. 458).	Sec. 5(A) requires photo ID for in-person voting.	Restates the existing statutory requirement in the Constitution; no new requirement for in-person voters.
Acceptable ID document types	Ohio driver's license/state ID/interim BMV document; U.S. passport/passport card; U.S. military ID, Ohio National Guard ID, or U.S. VA ID.	Sec. 5(C)(1) lists the same three document categories.	Moves the current list into the Constitution. Whether a new document type or format could later be added by ordinary statute, rather than a further amendment, is an open interpretive

Topic	Current Statutory Law (as of Aug. 2026)	Proposed Constitutional Text (Section 5)	Effect If Issue 3 Is Approved
			question; see Interpretive Considerations.
Religious-objection accommodation	Statutory affidavit process under Secretary of State directive.	Sec. 5(A) states the General Assembly "may provide" this alternative.	Same practical accommodation continues today. Because Sec. 5(A) uses permissive ("may") rather than mandatory language, whether the accommodation itself becomes constitutionally guaranteed, or merely constitutionally authorized, is an open interpretive question this report does not resolve.
Absentee/mail voting ID	Copy of photo ID, OR driver's license/state ID number, OR last four digits of SSN, with signature. No photo ID mandate.	Sec. 5(B): at minimum, photo ID or (if authorized by law) signature + one other unique identifier.	This report reads current absentee practice as satisfying Sec. 5(B)'s signature-plus-identifier alternative. The amendment neither requires nor forecloses a future photo-ID mandate for absentee voting.
Legislature's ability to add absentee photo ID	H.B. 472 (2026) would have required this; vetoed by Gov. DeWine June 24, 2026.	Sec. 5(B) permits this as an option.	A future absentee-photo-ID bill remains an ordinary legislative and gubernatorial process either way; Issue 3 does not change this pathway.
Method to change the requirement in the future	Ordinary majority-vote statute, subject to gubernatorial veto/override.	Not addressed directly, but constitutional status controls.	Requires a further constitutional amendment (legislative referral or citizen initiative) plus a statewide majority vote to repeal or substantively narrow. This is this report's identified primary legal effect of Issue 3.
Provisional ballot / cure-period procedures	Governed by R.C. 3505 and Secretary of State directives.	Not addressed in Sec. 5 text.	Remains fully governed by ordinary statute regardless of the outcome of Issue 3.
Fee-free state ID for voting purposes	BMV fee eliminated for voting-purpose state ID cards under H.B. 458.	Not addressed in Sec. 5 text.	Unaffected either way; remains a matter of ordinary statute and BMV administration.

What Further Legislation Can Do If Issue 3 Is Approved

Because Section 5 sets a floor rather than a fixed, self-executing procedure, the General Assembly retains substantial ordinary lawmaking authority even after enactment. Based on the text of Section 5, this report identifies the following as within the General Assembly's ordinary statutory authority if Issue 3 is approved:

- **Require photo identification for absentee or mail voting**, as House Bill 472 attempted in 2026 — this would satisfy, and indeed exceed, Section 5(B)'s floor, and would remain subject to the Governor's ordinary veto authority.
- **Set or revise the administrative procedure for any religious-objection accommodation authorized by law**, including the affidavit form, verification procedure, and recordkeeping requirements. Whether Section 5(A) itself constitutionally requires the General Assembly to preserve such an accommodation, as opposed to merely authorizing one, is a separate and unresolved interpretive question; see What Further Legislation Cannot Do — and What May Require a Further Amendment.
- **Set or revise provisional ballot and cure-period rules**, polling place procedures, and related administrative details not addressed by Section 5's text.
- **Define additional "unique identifiers"** for purposes of the Section 5(B) absentee/mail alternative, so long as each is a numeric or alphanumeric descriptor assigned by a state or federal agency, or a truncated version of one, consistent with Section 5(C)(2).
- **Adjust which state agency issues a qualifying document** (for example, if the Bureau of Motor Vehicles were reorganized into a successor agency), since Section 5(C)(1)(a) itself contemplates a "successor agency."
- **Legislate on adjacent topics entirely outside Section 5**, such as ballot drop box counts, early voting schedules, and absentee ballot deadlines, exactly as it can today.

What Further Legislation Cannot Do — and What May Require a Further Amendment

This report distinguishes changes that the text of Section 5 clearly forecloses to ordinary statute from changes that raise a genuine, unresolved interpretive question. The first category, in this report's reading, requires no interpretive stretch; the second depends on how a court, the Ohio Attorney General, or the General Assembly's own legislative counsel would read specific, undecided language in the proposed text.

Clearly cannot do by ordinary statute

- **Eliminate the in-person photo identification requirement** or revert to accepting non-photo documents (such as a utility bill or bank statement) for in-person voting.
- **Authorize a non-in-person voting method that requires less than the Section 5(B) floor** — for example, a method requiring neither photo ID nor a signature plus one other unique identifier.
- **Repeal Section 5 itself**, or otherwise remove the constitutional voter-ID requirement, through an ordinary act of the General Assembly or a gubernatorial decision alone.

Unresolved — may require a further constitutional amendment

- **Add an entirely new category of qualifying document for in-person voting** — for example, a county-issued identification card — that does not fall within the three categories enumerated in

Section 5(C)(1). This report reads the enumerated list as a strong textual argument for a closed category requiring a further amendment, but notes that no court, Attorney General opinion, or other authoritative interpretation has resolved the question as of this report's status date.

- **Recognize a new technological format of an already-listed document** — for example, treating a state driver's license issued in mobile or digital form as satisfying Section 5(C)(1)(a)'s reference to a "driver's license." This is a narrower and, in this report's assessment, even less certain question than the new-category question above; it may turn on how a reviewing body defines "document" rather than on the enumerated list itself.
- **Eliminate the sincere religious objection accommodation** for electors who lack photo identification for that reason. Section 5(A) states that the General Assembly "may provide" this alternative — permissive rather than mandatory language — which raises an open question about whether the accommodation is itself constitutionally guaranteed or merely constitutionally authorized. This report does not resolve that question and does not treat elimination of the accommodation as clearly foreclosed.

The Certified Ballot Question, Explanation, and Statutory Arguments

Ohio law requires the Ohio Ballot Board to certify the exact ballot language and a plain-language explanation for each proposed constitutional amendment and separately allows legislators to file one argument in support and one argument in opposition for publication alongside the amendment. This section summarizes each of those four documents, all certified or filed on or before August 3, 2026. Full text appears in Appendices B and C. As printed on the certification pages themselves, both the certified ballot language and the certified explanation are signed by Lisa M. Eschbacher in her capacity as Secretary of the Ohio Ballot Board — the Board's certifying officer — which this report distinguishes from the Board's chair, a role the Ohio Constitution and R.C. 3505.062 assign to the Secretary of State.

Certified ballot title and question

The certified ballot caption for Issue 3 reads: "To Require Voters to Present Photo Identification in Order to Vote." The certified ballot text states that a majority "yes" vote is required for adoption, and that the proposed amendment would: require voters to present an approved form of government-issued photo identification to vote; allow state law to provide an alternative identity-verification method for a voter with a sincere religious objection to being photographed; require voters who do not vote in person to present an approved form of government-issued photo identification, unless authorized by law to instead provide a signature and at least one other specified unique identifier; and define the approved forms of identification as an unexpired Ohio driver's license or state ID card, a U.S. passport or passport card, or a U.S. military, Ohio National Guard, or VA identification card.

Certified explanation

The Ballot Board's certified explanation restates the amendment's operative provisions in plain language: that Issue 3 proposes a constitutional photo-ID requirement; that in-person voters would need to present one of the listed document types, with an alternative available for a sincere religious objection to being photographed; and that voters using another method authorized by law, such as absentee voting by mail, would need to either present a listed photo ID document or, if authorized by Ohio law, a signature plus at least one other authorized unique identifier.

Statutory argument in support

The argument filed in support of Issue 3 was prepared by Representative Adam Bird, Representative Heidi Workman, Senator Theresa Gavarone, and Senator Jane Timken. It frames a "yes" vote as a fraud-prevention and public-confidence measure, comparing the photo-ID requirement to identification already required to obtain a job, rent an apartment, board a plane, or drive a car. It states that photo ID requirements are broadly supported in public polling, that some other states have repealed statutory photo ID laws after changes in political control, and argues that constitutional status would provide long-term stability. It further states that the amendment would not add a new burden because photo ID has been Ohio law since 2023 and free state ID cards remain available, and that the religious-objection alternative continues under the amendment.

Statutory argument in opposition

The argument filed against Issue 3 was prepared by Senator Bill DeMora and Representatives Desiree Tims and Terrence Upchurch. It frames a "no" vote as opposing what it describes as an unneeded response to a nonexistent problem, arguing that voter impersonation is essentially nonexistent in Ohio and that photo ID is already required by law. It argues the amendment offers no new protections for absentee, early, or other non-in-person voting methods, and could leave those methods more exposed to future restriction. It further argues that the amendment's fixed list of qualifying documents could prevent Ohio from accepting newer identification formats — for example, it asserts that the amendment would not accommodate county-issued veteran identification cards or digital military identification credentials, framing the closed document list as a barrier to adopting more secure or more accessible identification technology in the future.

This report has not independently verified the specific public-opinion polling figures cited in the argument for Issue 3. On the argument against Issue 3, this report notes that current Ohio Secretary of State guidance already treats a county-issued veteran identification card as non-qualifying voter identification, independent of Issue 3 — so that specific aspect of the argument describes an existing feature of current law rather than a new consequence unique to the amendment. This report has not independently verified the argument's separate claim regarding digital military identification currently in use. See Limitations and What This Report Does Not Claim.

Interpretive Considerations

- **Proponents and opponents largely agree on what Issue 3 does; they disagree on whether that is worth doing.** Sponsor testimony, opponent testimony, and a legislator's public statement in opposition all describe Issue 3 as placing an existing statutory photo-ID requirement into the Constitution, rather than as creating a materially new requirement. Where they diverge is on whether constitutional entrenchment of an already-enacted, litigated, and judicially upheld statute serves a purpose. Proponents point to Virginia's 2020 repeal of its statutory photo ID law after a change in legislative control as a reason to place Ohio's requirement beyond the reach of an ordinary future legislative majority. Opponents argue that because the requirement is not currently contested in Ohio law, entrenching it addresses a hypothetical future risk at the cost of the General Assembly's ordinary flexibility to update election administration rules, including in response to new identification technology.
- **The amendment's timing relative to House Bill 472 illustrates the floor/ceiling distinction in Section 5(B).** The General Assembly passed a constitutional floor permitting an absentee photo-ID requirement (SJR 10) and a statutory absentee photo-ID mandate exceeding that floor (HB 472) within the same two-week period in June 2026. The Governor's veto of HB 472 removed the statutory mandate but did not affect SJR 10, since Section 5(B) merely permits — and does not require — a future absentee photo-ID law. Readers should not treat Issue 3's passage or failure as resolving

whether Ohio will require absentee photo identification; that question currently rests with the General Assembly and the Governor and would continue to do so even if Issue 3 is approved, unless a future General Assembly enacted an absentee photo-ID statute that itself became entrenched by a later constitutional amendment.

- The closed list in Section 5(C)(1) is this report's most significant unresolved interpretive question.** Representative White's public statement — that the amendment's language "does not provide for the nearly guaranteed changes to identification methods as technology continues to advance" — and the argument against Issue 3 — which asserts the amendment would not accommodate certain veteran or digital military identification formats — both raise the same underlying question: can the General Assembly add a new qualifying document type by ordinary statute once the definition is constitutional text, or would doing so require another constitutional amendment? This report has not identified a judicial ruling, Attorney General opinion, or other authoritative legal interpretation resolving this question as of the status date and does not reach its own legal conclusion. It notes, for context, that current Secretary of State guidance already treats digital or mobile versions of currently-listed documents (such as a driver's license stored in a mobile wallet) as non-qualifying for in-person voting, and that a county-issued veteran identification card also does not qualify under current law, independent of Issue 3 — meaning part of this interpretive question already exists under current law, not only under the proposed constitutional text. What this report identifies as different is the available process: a future General Assembly could revisit those current-law choices by ordinary statute today, whereas adoption of Section 5(C)(1) as constitutional text could constrain that ordinary-statute pathway and create a live constitutional question. This report treats that as a difference in process, not as a settled prediction of how a future case would be decided.
- Current administrative guidance already runs slightly ahead of the enumerated statutory and constitutional text in at least one respect, illustrating the closed-list question concretely.** Secretary of State guidance lists a U.S. military dependent identification card as its own accepted category, distinct from a U.S. military identification card, for both in-person and absentee voting. Neither current statute nor the text proposed for Section 5(C)(1)(c) separately names a "military dependent" card; both refer only to a "United States military identification card." This report has not determined whether the dependent card is understood to fall within that broader statutory phrase as a matter of administrative interpretation or instead represents current practice extending slightly beyond the literal enumerated text. If it is the latter, the same question would carry over into the proposed constitutional text and would sit alongside this report's broader closed-list discussion above.
- Both statutory arguments include claims this report has not independently verified.** The argument in support cites polling showing photo-ID requirements are supported by "a landslide of voters" and "over 80% support"; the argument in opposition asserts a claim about digital military identification currently in use that this report has not independently verified (the argument's separate claim about county-issued veteran identification cards is addressed above and in Limitations). This report attributes both sets of claims to their authors without adopting or disputing them.
- Issue 3 does not appear to change the near-term practical experience of voting in Ohio for most electors.** Because current statutory law already requires in-person photo ID and already permits (without requiring) a photo-ID-or-signature-plus-identifier approach for absentee voting, this report's reading of Section 5's text is that most Ohio voters would not experience a different identification process at the polls or by mail in the November 2026 election or immediately afterward, regardless of whether Issue 3 passes. The amendment's practical significance, on this report's reading, lies primarily in how future changes to these rules could occur — through ordinary legislation, or only through a further constitutional amendment — rather than in any immediate change to voting procedure.

Limitations and What This Report Does Not Claim

- **Descriptive, not evaluative.** This report does not take a position on whether Ohio voters should approve or reject Issue 3, whether voter impersonation fraud is a significant problem in Ohio, whether constitutional entrenchment of election administration rules is good or bad policy, or which statutory argument's framing is more persuasive. It describes the amendment's text, its relationship to current law, and the certified public record.
- **Not a legal opinion.** This report's discussion of the closed list in Section 5(C)(1), and of what future legislation could or could not do under Section 5 generally, reflects this report's own reading of the text as drafted. It is not a substitute for judicial interpretation, an Ohio Attorney General opinion, or advice of counsel, and a court could reach a different conclusion than this report's reading on any of the interpretive questions it identifies.
- **Campaign and testimony claims are attributed, not verified, with one exception noted below.** This report has not independently verified the polling figures cited in the statutory argument in support of Issue 3, nor the specific claim regarding digital military identification in the statutory argument against Issue 3. These are reported as attributed to their authors. This report did independently confirm, from current Secretary of State guidance, that a county-issued veteran identification card does not qualify as voter identification under current law; see The Certified Ballot Question, Explanation, and Statutory Arguments.
- **Does not address litigation risk.** This report does not analyze whether Issue 3, if approved, would be vulnerable to a federal constitutional or Voting Rights Act challenge, nor does it analyze the current litigation history of House Bill 458 beyond noting that a federal court upheld HB 458's in-person photo-ID requirement against a prior challenge. Readers interested in that litigation should consult the case materials directly.
- **Does not track other November 2026 ballot measures.** This report's scope is limited to Issue 3. Other statewide or local ballot measures that may appear on the same November 3, 2026 ballot are outside this report's scope.
- **Fiscal note exists but is narrow.** The Legislative Service Commission prepared a fiscal note for SJR 10 addressing the state's cost of statewide ballot advertising associated with placing the amendment before voters, funded through the Statewide Ballot Advertising Fund. As comparables, LSC's note cites approximately \$405,000 in statewide ballot-advertising costs for the November 2024 statewide issue and approximately \$358,000 for a subsequent 2025 statewide issue — cited as illustrative examples of recent costs, not as a projected range for Issue 3 specifically. This report has not identified an LSC or other estimate of material ongoing election-administration costs that would result from the constitutional requirements themselves, as distinct from the one-time ballot-advertising cost of placing the question before voters.
- **"No hearing identified" and similar qualified language is used consistently with the OCG Legislative Tracker series.** Where this report states that a legislative record reflects a particular hearing or action, that statement means the action was found in this report's sources as of the status date, not an unqualified claim that no other action occurred.

Future Research

- Track whether the General Assembly attempts to override Governor DeWine's veto of House Bill 472, and, if an override vote occurs, its outcome.
- Track any Ohio Attorney General opinion, Secretary of State directive, or court decision interpreting whether Section 5(C)(1)'s document list could be expanded by ordinary statute if Issue 3 is approved.

- Following the November 3, 2026 election, update this report with certified results on Issue 3 and, if approved, the amendment's official effective date.
- Independently verify the specific polling figures cited in the statutory argument in support of Issue 3.
- Independently research current Ohio practice regarding digital military identification credentials, to evaluate the remaining unverified claim made in the statutory argument against Issue 3.
- Monitor for any judicial ruling, Ohio Attorney General opinion, or legislative counsel determination addressing whether Section 5(C)(1), if adopted, would permit the General Assembly to recognize a new document category or a new technological format of an already-listed document by ordinary statute.
- Monitor any new General Assembly legislation addressing absentee voting identification, provisional ballot procedure, or digital identification credentials, either before or after the November 2026 election.
- Consult OCG's companion Legislative Tracker series, including Legislative Tracker No. 004 (Government Responsiveness & Accountability), for related legislative activity outside this report's scope.

Sources

- Ohio General Assembly, Substitute Senate Joint Resolution 10 (136th General Assembly), enrolled text and Senate/House vote and filing records (legislature.ohio.gov).
- Ohio Ballot Board, Certified Ballot Language for Issue 3, certified August 3, 2026, and Certified Explanation of Issue 3, certified August 3, 2026 (Lisa M. Eschbacher, Secretary).
- Statutory argument in support of Issue 3, prepared by Rep. Adam Bird, Rep. Heidi Workman, Sen. Theresa Gavarone, and Sen. Jane Timken, filed with the Ohio Secretary of State pursuant to R.C. 3505.062.
- Statutory argument against Issue 3, prepared by Sen. Bill DeMora, Rep. Desiree Tims, and Rep. Terrence Upchurch, filed with the Ohio Secretary of State pursuant to R.C. 3505.062.
- Ohio Revised Code, Sections 3501.01(AA), 3505.18, and 3505.181–.183, governing voter identification and provisional voting (codes.ohio.gov).
- House Bill 458 (134th General Assembly), enrolled text, Legislative Service Commission analysis, and Ohio Secretary of State Directive 2023-03 and related implementation guidance.
- House Bill 472 (136th General Assembly), as passed, its Legislative Service Commission bill analysis (identifying the bill's exemption categories), and Governor Mike DeWine's veto message, June 24, 2026.
- Ohio Legislative Service Commission, Resolution Analysis and Fiscal Note for Substitute Senate Joint Resolution 10 (legislature.ohio.gov).
- Restoring Integrity and Trust in Elections (RITE), organizational and biographical information for Justin Riemer, consulted to confirm the affiliation of a proponent witness in SJR 10 committee testimony (riteusa.org).
- Ohio Secretary of State, current public voter identification guidance (ohiosos.gov/elections/voters/id-requirements).
- Ohio Constitution, Article XVI, Section 1 (legislative referral procedure) and Article II, Sections 1a-1g (citizen initiative procedure).

- Public statement of State Representative Erika White opposing Senate Joint Resolution 10, June 2026 (ohiohouse.gov).
- Committee testimony on Substitute Senate Joint Resolution 10, including proponent, opponent, and interested-party testimony submitted by the ACLU of Ohio and Common Cause Ohio to the Ohio Senate and House committees of record.
- Contemporaneous reporting on Senate Joint Resolution 10 and House Bill 472's passage and veto, including Ohio Capital Journal, Ballotpedia News, Signal Ohio, and Just the News/The Center Square, consulted for legislative vote counts, hearing dates, and public statements by legislators; all descriptive claims sourced to reporting are cross-checked against the primary legislative and government records listed above where available.
- League of Women Voters of Ohio v. LaRose and related federal court proceedings regarding House Bill 458, consulted only for the limited purpose of noting that HB 458's in-person photo-ID requirement was upheld against a prior federal constitutional challenge.

Conclusion

Ohio Issue 3 asks voters to move an existing, already-litigated statutory photo identification requirement for in-person voting from the Ohio Revised Code into the Ohio Constitution, while separately setting a constitutional floor — photo identification or, if authorized by law, a signature plus one other unique identifier — for any non-in-person voting method the General Assembly permits. This report's central finding is that Issue 3's principal legal effect is entrenchment: a change in how the underlying rule could be altered in the future, rather than a change in what Ohio voters currently must do to cast a ballot. The amendment does not itself require photo identification for absentee voting, though it would permit the General Assembly to adopt such a requirement by ordinary statute, as a separate 2026 bill attempted to do before being vetoed. The amendment's fixed, closed list of qualifying documents raises an unresolved interpretive question about the General Assembly's future ability to recognize new identification formats without a further constitutional amendment — a question this report identifies but does not resolve. This report does not evaluate whether Ohio voters should approve or reject Issue 3; it is intended to give Ohioans a factual account of what the amendment's text does, what it leaves to future ordinary legislation, and what it would place beyond the reach of that legislation, so that voters can bring their own judgment to the question on the November 3, 2026 ballot.

Revision History

This is a living report rather than a fixed monograph. It is reviewed and reissued as the Ohio Ballot Board, the Ohio General Assembly, a court, or the Ohio electorate itself acts on matters described in this report. Each revision is logged below, and superseded versions are preserved in the OCG Research Library.

Version 1.0 — August 28, 2026 — Initial publication.

Appendix A. Full Text of Proposed Section 5, Article V

Reproduced from Substitute Senate Joint Resolution 10, as filed with the Ohio Secretary of State on June 11, 2026.

ARTICLE V

Section 5. (A) Electors shall provide photo identification in order to vote in person at a polling place or other voting location designated by law, in accordance with laws passed by the general assembly, except that the laws may provide an alternative method of verifying the identity of an elector who does not have photo identification because the elector has a sincere religious objection to being photographed.

(B) At a minimum, and in accordance with laws passed by the general assembly, electors shall provide photo identification or, if authorized by law, a signature and at least one other unique identifier in order to vote by any other method authorized by law.

(C) As used in this section:

(1) "Photo identification" means one of the following documents that is issued by an agency of this state or the United States, includes the elector's name and photograph, and is not expired:

(a) A driver's license or state identification card issued by the Ohio bureau of motor vehicles or its successor agency or a temporary document issued by that agency to an applicant for a driver's license or state identification card that contains all of the information otherwise found on the license or card and that the applicant may use as a form of identification while waiting to receive the license or card;

(b) A United States passport or passport card;

(c) A United States military identification card, an Ohio national guard identification card, or an identification card issued by the United States department of veterans affairs or its successor agency.

(2) "Other unique identifier" means one of the following that is authorized by the general assembly by law for voting purposes:

(a) A unique numeric or alphanumeric descriptor assigned to the elector by an agency of this state or the United States;

(b) A truncated version of a descriptor described in division (C)(2)(a) of this section.

EFFECTIVE DATE

If adopted by a majority of the electors voting on this proposal, Section 5 of Article V of the Constitution of the State of Ohio enacted by this proposal shall take effect immediately.

Appendix B. Certified Ballot Language

Certified by Lisa M. Eschbacher, Secretary, Ohio Ballot Board, August 3, 2026.

Proposed Constitutional Amendment

Proposed by Joint Resolution of the General Assembly

To enact Section 5 of Article V of the Constitution of the State of Ohio

A majority yes vote is required for the adoption of Section 5.

This proposed amendment would:

- Require voters to present an approved form of government-issued photo identification in order to vote.
- Allow state law to provide for an alternative method of verifying a voter's identity for a voter who has a sincere religious objection to being photographed and, therefore, does not possess an approved form of government-issued photo identification.
- Require that voters who do not vote in person provide an approved form of government-issued photo identification, unless the law authorizes those persons to vote by providing a signature and at least one other specified unique identifier.
- Define approved forms of government-issued photo identification as an unexpired Ohio driver license or state identification card; a United States passport or passport card; or a United States military identification card, Ohio National Guard identification card, or United States Department of Veterans Affairs identification card.

If approved, the amendment shall take effect immediately.

A "YES" vote means approval of the amendment. A "NO" vote means disapproval of the amendment.

Appendix C. Certified Explanation of Issue 3

Certified by Lisa M. Eschbacher, Secretary, Ohio Ballot Board, August 3, 2026.

Issue 3 asks Ohio voters to consider an amendment to the Constitution of the State of Ohio that was proposed by a three-fifths supermajority of the Ohio General Assembly. If approved, the proposed amendment would require Ohio voters to present a government-issued photo identification in order to vote.

To vote in person, voters would be required to present one of the specific types of government-issued photo identification listed. In-person voters who do not possess photo identification because of a sincere religious objection to being photographed would be permitted to provide an alternative verification of their identity, as provided by Ohio law.

To vote by another method under Ohio law, such as absentee voting by mail, voters would be required to do one of the following: (1) provide specific types of government-issued photo identification, or (2) if authorized by Ohio law, present a signature and at least one other unique identifier authorized for voting purposes.