

ENGROSSED HOUSE
BILL NO. 2668

By: Hilliard of the House
and
Weedn of the Senate

An Act relating to elections; amending 26 O.S. 1991, Sections 4-103, as amended by Section 7, Chapter 260, O.S.L. 1994, 4-116, as amended by Section 15, Chapter 260, O.S.L. 1994, and 4-118, as amended by Section 17, Chapter 260, O.S.L. 1994 (26 O.S. Supp. 1995, Sections 4-103, 4-116 and 4-118), which relate to voter registration; providing factors for determination of residency; requiring transfer of registration if voter changes residence; requiring intent to abandon former residence and lack of intent to return to the former residence; providing an effective date; and declaring an emergency.

BE IT ENACTED BY THE PEOPLE OF THE STATE OF OKLAHOMA:

SECTION 1. AMENDATORY 26 O.S. 1991, Section 4-103, as amended by Section 7, Chapter 260, O.S.L. 1994 (26 O.S. Supp. 1995, Section 4-103), is amended to read as follows:

Section 4-103. A. Any person who will become a qualified elector before the next ensuing election at which ~~he~~ the person could vote shall be entitled to become a registered voter of the precinct of ~~his or her~~ residence not more than sixty (60) and not less than twenty-four (24) days prior to said election.

B. The following factors shall be observed in determining the residence of a person registering to vote:

1. A voter's residence shall be deemed to be at the place where the voter's habitation is, and to which, when absent, the voter has the intention of returning;

2. A voter shall not lose residency by absence for temporary purposes merely; nor shall a voter obtain a residence by being in a county or precinct for such temporary purposes, without the intention of making that county or precinct the voter's home;

3. A voter shall not gain or lose residency due to a temporary assignment or duty post or as a result of performing duties in connection with status as military personnel or as a holder of public office;

4. A voter shall not gain or lose residency by reason of the voter's absence while enrolled as a student at a college or university; and

5. A voter shall lose residency by removal to another state or county with intention to make the voter's permanent residence there, or by voting in the other state, even though the voter may have had the intention to return to this state at some future period.

C. A person's residence cannot be a commercial or industrial building not normally used for residential purposes unless the building is used as a primary nighttime residence.

SECTION 2. AMENDATORY 26 O.S. 1991, Section 4-116, as amended by Section 15, Chapter 260, O.S.L. 1994 (26 O.S. Supp. 1995, Section 4-116), is amended to read as follows:

Section 4-116. If a registered voter of a county changes ~~his or her~~ residence to another precinct within the same county, ~~he or she~~ with the intention of abandoning the former residence and without the intention of returning to the former residence, the voter shall be entitled to transfer his or her voter registration in a manner prescribed by the Secretary of the State Election Board. The

secretary of the county election board shall change the registration information of such registered voter in the Oklahoma Election Management System and shall issue a new voter identification card to the voter. Information given by the voter shall be under oath.

SECTION 3. AMENDATORY 26 O.S. 1991, Section 4-118, as amended by Section 17, Chapter 260, O.S.L. 1994 (26 O.S. Supp. 1995, Section 4-118), is amended to read as follows:

Section 4-118. A. Any registered voter who changes ~~his or her~~ residence to another county ~~may,~~ with the intention of abandoning the former residence and without the intention of returning to that residence, shall apply for registration as an initial registrant in such other county. ~~Such~~

B. Any person changing registration pursuant to this section shall indicate ~~his or her~~ prior registration information, including name, residence address and county and political affiliation, as appropriate, on the voter registration application. The secretary of the election board of the second county shall immediately notify the Secretary of the State Election Board of such transaction.

SECTION 4. This act shall become effective July 1, 1996.

SECTION 5. It being immediately necessary for the preservation of the public peace, health and safety, an emergency is hereby declared to exist, by reason whereof this act shall take effect and be in full force from and after its passage and approval.

Passed the House of Representatives the 29th day of February, 1996.

Speaker of the House of Representatives

Passed the Senate the ____ day of _____, 1996.

President

of the Senate