HOUSE OF REPRESENTATIVES - FLOOR VERSION

STATE OF OKLAHOMA

1st Session of the 54th Legislature (2013)

ENGROSSED SENATE
BILL NO. 282 By: Ford of the Senate

and

Quinn of the House

An Act relating to voter identification; amending 26 O.S. 2011, Sections 4-117 and 7-114, which relate to changes to voter information and determination of eligibility to vote; requiring presentation of proof of identity to vote in case of name or address change; modifying documents constituting proof of identity; specifying requirements for certain provisional ballots to be counted; providing exception; and providing an effective date.

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

SECTION 1. AMENDATORY 26 O.S. 2011, Section 4-117, is amended to read as follows:

Section 4-117. If a registered voter of a county has changed name or residence within the same county, and has not executed a transfer as hereinbefore provided, the voter shall be entitled to a change upon executing an application on a form to be prescribed by the Secretary of the State Election Board and presenting such form along with the voter identification card <u>or other proof of identity as described in Section 7-114 of this title</u> to the inspector of the

precinct in which the voter is registered or to a member of an in-person absentee voting board of the county in which the voter is registered on the day of the next ensuing election or of in-person absentee voting. Upon doing so, such registered voter shall be permitted to vote on the ballots of such precinct, and only of such precinct, for the election being conducted on that day only. The inspector or in-person absentee voting board member shall deliver such form to the secretary of the county election board, who shall change the registration in the manner prescribed by the Secretary of the State Election Board.

SECTION 2. AMENDATORY 26 O.S. 2011, Section 7-114, is amended to read as follows:

Section 7-114. A. Each person appearing to vote shall announce that person's name to the judge of the precinct and shall provide proof of identity, whereupon the judge shall determine whether the person's name is in the precinct registry. As used in this section, "proof of identity" shall mean a document that satisfies all of the following:

1. The document shows the name of the person to whom the document was issued, and the name substantially conforms to the name in the precinct registry;

2. The document shows a photograph of the person to whom the document was issued;

3. The document includes an expiration date, which is after the date of the election in which the person is appearing to vote. The provisions of this paragraph shall not apply to an identification card ~~issued to a person sixty-five (65) years of age or older which~~ that is valid indefinitely~~, as provided in Section 6-105.3 of Title 47 of the Oklahoma Statutes~~; and

4. The document was issued by the United States, the State of Oklahoma or the government of a federally recognized Indian tribe or nation.

Provided, if the person presents a voter identification card issued by the appropriate county election board, such card may serve as proof of identity without meeting the requirements of paragraphs 2 and 3 of this subsection.

B. 1. If a person declines to or is unable to produce proof of identity, the person may sign a statement under oath, in a form approved by the Secretary of the State Election Board, swearing or affirming that the person is the person identified on the precinct registry, and shall be allowed to cast a provisional ballot ~~as provided~~ in a manner consistent with the provisions of Section 7-116.1 of this title.

2. A provisional ballot cast by a voter who declines or is unable to produce proof of identity shall only be considered verified and approved for counting if:

a. the voter's name on the affidavit substantially conforms to the voter's name in the voter registration database, except as provided in paragraph 3 of this subsection,

b. the voter's residence address on the affidavit substantially conforms to the voter's residence address in the voter registration database, except as provided in paragraph 4 of this subsection,

c. the voter's date of birth matches the information in the voter registration database,

d. the voter's Oklahoma driver license number or the last four digits of the voter's Social Security number on the affidavit matches the information in the voter registration database. The provisions of this subparagraph shall not apply if the voter was not required to provide a driver license number or the last four digits of the voter's Social Security number at the time of registration, and

e. the provisional ballot meets the eligibility requirements set forth in Section 7-116.1 of this title.

3. A voter casting a provisional ballot as provided in this section who has legally changed his or her name, but has not updated the name on the voter registry, may note this fact on the affidavit

and submit a form prescribed by the Secretary of the State Election Board to update his or her name. In such a case, and where the requirements of Section 4-117 of this title are satisfied, the provisional ballot shall be deemed to meet the requirements of subparagraph a of paragraph 2 of this subsection.

4. A voter casting a provisional ballot as provided in this section who has changed his or her address of residence, but has not updated the address on the voter registry, may note this fact on the affidavit and submit a form to update the address prescribed by the Secretary of the State Election Board. In such a case, and where the requirements of Section 4-117 of this title are satisfied, the provisional ballot shall be deemed to meet the requirements of subparagraph a of paragraph 2 of this subsection.

5. False swearing or affirming under oath shall be punishable as a felony as provided in Section 16-103 of this title, and the penalty shall be distinctly set forth on the face of the statement.

SECTION 3. This act shall become effective November 1, 2013.

COMMITTEE REPORT BY: COMMITTEE ON RULES, dated 03/27/2013 - DO PASS.