

1 **SENATE FLOOR VERSION**

2 February 13, 2013

3 SENATE BILL NO. 282

By: Ford of the Senate

4 and

5 Quinn of the House

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

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

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

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

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

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

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

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

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

24

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

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

10 Provided, if the person presents a voter identification card
11 issued by the appropriate county election board, such card may serve
12 as proof of identity without meeting the requirements of paragraphs
13 2 and 3 of this subsection.

14 B. 1. If a person declines to or is unable to produce proof of
15 identity, the person may sign a statement under oath, in a form
16 approved by the Secretary of the State Election Board, swearing or
17 affirming that the person is the person identified on the precinct
18 registry, and shall be allowed to cast a provisional ballot ~~as~~
19 provided in a manner consistent with the provisions of Section 7-
20 116.1 of this title.

21 2. A provisional ballot cast by a voter who declines or is
22 unable to produce proof of identity shall only be considered
23 verified and approved for counting if:
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- 1 a. the voter's name on the affidavit substantially
2 conforms to the voter's name in the voter registration
3 database, except as provided in paragraph 3 of this
4 subsection,
- 5 b. the voter's residence address on the affidavit
6 substantially conforms to the voter's residence
7 address in the voter registration database, except as
8 provided in paragraph 4 of this subsection,
- 9 c. the voter's date of birth matches the information in
10 the voter registration database,
- 11 d. the voter's Oklahoma driver license number or the last
12 four digits of the voter's Social Security number on
13 the affidavit matches the information in the voter
14 registration database. The provisions of this
15 subparagraph shall not apply if the voter was not
16 required to provide a driver license number or the
17 last four digits of the voter's Social Security number
18 at the time of registration, and
- 19 e. the provisional ballot meets the eligibility
20 requirements set forth in Section 7-116.1 of this
21 title.

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

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

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

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

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

18 COMMITTEE REPORT BY: COMMITTEE ON RULES
19 February 13, 2013 - DO PASS
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