

1 ENGROSSED SENATE
2 BILL NO. 114

By: Stanislawski and Newberry
of the Senate

3 and

4 Walker of the House

5
6 An Act relating to elections; authorizing certain
7 state agency to share certain records with State
8 Election Board; specifying duties of Secretary of
9 State Election Board; providing for mailing of
10 certain notices; defining term; amending 26 O.S.
11 2011, Sections 4-120.2, 4-120.3, as last amended by
12 Section 1, Chapter 213, O.S.L. 2012, and 7-115.1 (26
13 O.S. Supp. 2014, Section 4-120.3), which relate to
14 voter registration; modifying voters to whom certain
confirmation required to be sent; authorizing
Secretary of State Election Board to obtain certain
death records; providing procedures if matched to
registered voter; specifying procedures if inactive
voter appears to vote; requiring vote by provisional
ballot if address confirmation or update form not
completed; providing for codification; and providing
an effective date.

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

17 SECTION 1. NEW LAW A new section of law to be codified
18 in the Oklahoma Statutes as Section 4-118.1 of Title 26, unless
19 there is created a duplication in numbering, reads as follows:

20 A. Any state agency that purchases, subscribes to, or is an
21 authorized or licensed user of the United States Postal Service's
22 National Change of Address dataset is authorized to share the
23 records from the dataset with the State Election Board.
24

1 B. The Secretary of the State Election Board is authorized to
2 utilize records from the United States Postal Service's National
3 Change of Address dataset to determine if a registered voter in the
4 State of Oklahoma has changed his or her address of residence.

5 C. Subject to available funding, the Secretary of the State
6 Election Board is authorized to mail a notice to any registered
7 voter whose records in the National Change of Address dataset
8 indicate he or she may have changed his or her address of residence.
9 Such notice shall advise the voter of the requirement to be
10 registered at the voter's address of residence, and shall include
11 information and forms necessary to enable the voter to transfer his
12 or her voter registration to a new address of residence.

13 D. For the purposes of this section, "National Change of
14 Address dataset" shall refer to any dataset of change-of-address
15 records consisting of the names and addresses of individuals,
16 families and businesses who have filed a change-of-address with the
17 United States Postal Service.

18 SECTION 2. AMENDATORY 26 O.S. 2011, Section 4-120.2, is
19 amended to read as follows:

20 Section 4-120.2. A. No later than June 1 of each odd-numbered
21 year ~~and for~~, any voter identified within the previous twenty-four
22 (24) months, ~~any~~ as subject to the provisions of this subsection
23 shall be sent an address confirmation mailing prescribed by the
24

1 Secretary of the State Election Board and paid for by the state.

2 The following shall be subject to the provisions of this subsection:

3 1. Any voter for whom a first-class mailing from the county
4 election board or the State Election Board was returned, ~~any;~~

5 2. Any voter identified by the Secretary of the State Election
6 Board as a potential duplicate voter in another county in this state
7 or in another state, ~~any;~~

8 3. Any voter who has surrendered his or her Oklahoma driver
9 license to the Department of Public Safety upon being issued a
10 driver license in another state, ~~i;~~

11 4. Any voter identified in subsection C of Section 1 of this
12 act who has not updated his or her voter registration;

13 5. Any registered voter identified in subsection F of this
14 section whose voter registration has not been cancelled; and ~~any~~

15 6. Any active registered voter who did not vote in the second
16 previous general election or any election conducted by a county
17 election board since the second previous general election and who
18 has initiated no voter registration change, ~~shall be sent an address~~
19 ~~confirmation mailing prescribed by the Secretary of the State~~
20 ~~Election Board and paid for by the state.~~

21 Voters who do not respond to the confirmation mailing or whose
22 mailing is returned as nonforwardable shall be designated as
23 inactive sixty (60) days after the mailing.
24

1 B. An inactive voter's status shall be changed to active under
2 the following conditions:

3 1. With any registration change initiated by the voter; or

4 2. By voting in any election conducted by a county election
5 board.

6 An inactive voter who does not vote in any election conducted by
7 a county election board during the period beginning on the date of
8 the confirmation mailing and ending on the day after the date of the
9 second successive general election for federal office shall be
10 removed as a registered voter and all the information on that voter
11 shall be destroyed. Each county election board secretary shall
12 maintain a list of the names and addresses of all persons sent a
13 confirmation mailing as described in this section and information on
14 whether or not each such person has responded to the notice. The
15 list shall be maintained for twenty-four (24) months following the
16 date of the second successive federal general election after the
17 date of the confirmation mailing.

18 ~~B.~~ C. The secretary of each county election board shall cause
19 all inactive voters in a precinct to be identified on the precinct
20 registry.

21 ~~C.~~ D. No later than June 1 of each odd-numbered year, the
22 Secretary of the State Election Board shall identify duplicate voter
23 registrations in the state and shall direct appropriate county
24 election board secretaries to cancel the voter registration of all

1 but the latest registration of duplicate voter registrations. Each
2 county election board secretary shall maintain for twenty-four (24)
3 months a list of the names and addresses of all canceled duplicate
4 voter registrations. For the purposes of this subsection, duplicate
5 voter registrations are those registrations which contain the
6 following identical information on more than one registration:

7 1. First name, middle name or initial, last name, and date of
8 birth;

9 2. Driver license or social security number; or

10 3. Last name, date of birth, and the last four digits of the
11 social security number.

12 SECTION 3. AMENDATORY 26 O.S. 2011, Section 4-120.3, as
13 last amended by Section 1, Chapter 213, O.S.L. 2012 (26 O.S. Supp.
14 2014, Section 4-120.3), is amended to read as follows:

15 Section 4-120.3. A. The State Department of Health shall each
16 month transmit to the Secretary of the State Election Board a
17 certified list of all deaths of residents that have occurred within
18 the state for the immediately preceding month. The Secretary of the
19 State Election Board shall transmit such list to the secretary of
20 the county election board who shall then use such list to ascertain
21 those voters who are deceased, and shall thereafter remove such
22 deceased person's name from the central registry and voter
23 registration database. Such list shall be used only for the
24 purposes hereinbefore described.

1 B. ~~In addition, the~~ The registration of a deceased voter may be
2 canceled by the secretary of a county election board upon the
3 receipt of a certified copy of a death certificate from any person
4 or upon the execution by the next of kin of such deceased voter of a
5 form and upon the nature of proof of the fact thereof as prescribed
6 by the Secretary of the State Election Board. Such form must be
7 executed in person by the deceased voter's next of kin at the county
8 election board office, in which case it shall be witnessed by the
9 secretary or other designated employees, at the deceased voter's
10 precinct polling place or at the next of kin's precinct polling
11 place in the same county on the day of any election, in which case
12 it shall be witnessed by the inspector of such precinct, or the form
13 may be personally signed by the next of kin, such signature to be
14 notarized by a notary public or witnessed by two persons whose
15 signatures and addresses shall appear on the form, and returned to
16 the county election board.

17 C. The administrator of a nursing facility, as defined in
18 Section 1-1902 of Title 63 of the Oklahoma Statutes, or the
19 administrator of a veterans center established pursuant to Title 72
20 of the Oklahoma Statutes, also may execute a form prescribed by the
21 Secretary of the State Election Board to notify the secretary of the
22 county election board of the death of a nursing facility resident
23 who is a registered voter. The administrator's signature on such
24 form shall be witnessed by a member of the nursing home absentee

1 voting board, shall be notarized or shall be witnessed by two
2 persons whose signatures and addresses shall appear on the form.

3 D. A funeral director, as defined in Section 396.2 of Title 59
4 of the Oklahoma Statutes, may execute a form prescribed by the
5 Secretary of the State Election Board to notify the secretary of the
6 county election board of the death of a resident of the county. The
7 funeral director's signature on such form either shall be notarized
8 or shall be witnessed by two persons whose signatures and addresses
9 shall appear on the form. Upon receipt of such form or any notice
10 setting forth substantially the same facts and witnessed or
11 notarized as provided in this section, the secretary of the county
12 election board shall be authorized to cancel the voter registration
13 of such deceased person.

14 E. The registration of a deceased voter who was a member of the
15 Oklahoma National Guard or the armed forces of the United States and
16 who died in the line of duty may be canceled by the secretary of a
17 county election board upon the receipt of notification of the
18 voter's death from the Oklahoma National Guard or the armed forces
19 of the United States. The Secretary of the State Election Board may
20 prescribe the forms of such notification to be accepted by the
21 county election board in order to cause the registration of the
22 voter to be canceled. The Secretary shall further request the
23 Oklahoma National Guard and the armed forces of the United States to
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1 provide notifications to the county election board as provided for
2 in this section.

3 F. The Secretary of the State Election Board is authorized to
4 obtain official death records from the Social Security
5 Administration and from other states. The Secretary of the State
6 Election Board may compare such death records against the state's
7 voter registration database. Any possible match of a death record
8 to a registered voter shall be transmitted to the secretary of the
9 county election board in the county in which the voter is
10 registered. The secretary of the county election board shall
11 ascertain any voter who is deceased, and shall remove such deceased
12 person's name from the central registry and voter registration
13 database.

14 SECTION 4. AMENDATORY 26 O.S. 2011, Section 7-115.1, is
15 amended to read as follows:

16 Section 7-115.1. A. Before being issued a ballot, an inactive
17 voter who appears to vote during in-person absentee voting or at the
18 voter's precinct shall be required by the in-person absentee voting
19 board or the judge to complete an address confirmation form
20 prescribed by the Secretary of the State Election Board.

21 B. Before being issued a ballot, a voter identified in
22 Subsection C of Section 1 of this act who appears to vote during in-
23 person absentee voting or at the voter's precinct shall be required
24 by the in-person absentee voting board or the judge to complete an

1 address confirmation form prescribed by the Secretary of the State
2 Election Board.

3 C. In the event that a registered voter identified in this
4 section has a new address of residence, the voter shall update his
5 or her address of residence by completing a form prescribed by the
6 Secretary of the State Election Board. Upon completing the form and
7 submitting it to the in-person absentee voting board or the judge,
8 the voter shall be permitted to vote on the ballots for the precinct
9 at which he or she appeared to vote, and only of such precinct, for
10 that election only. The inspector or in-person absentee voting
11 board member shall deliver the completed form to the secretary of
12 the county election board, who shall change the voter's registration
13 in the manner prescribed by the Secretary of the State Election
14 Board.

15 D. A registered voter identified in this section who refuses to
16 complete an address confirmation form or to complete a form to
17 update his or her address of residence, as required, shall vote only
18 by provisional ballot as provided in Section 7-116.1 of this title.

19 SECTION 5. This act shall become effective November 1, 2015.
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1 Passed the Senate the 10th day of March, 2015.

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4 Presiding Officer of the Senate

5 Passed the House of Representatives the ____ day of _____,
6 2015.

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8 _____
9 Presiding Officer of the House
of Representatives