

1 ENGROSSED SENATE
2 BILL NO. 313

By: Holt and Bass of the Senate

3 and

4 Banz of the House

5
6 An Act relating to electronic voter registration;
7 allowing certain persons to submit voter registration
8 applications electronically; specifying duties and
9 authority of Secretary of State Election Board;
10 requiring establishment of secure website; stating
11 requirements for applicants; providing procedures
12 upon submission of application electronically;
13 providing for signature on application; allowing
14 promulgation of certain rules; amending 26 O.S. 2011,
15 Sections 4-103.1, 4-109.2, 4-109.3, 4-110.1 and 4-
16 112, which relate to voter registration; clarifying
17 references and language; authorizing Secretary to
18 develop certain systems and specifying requirements;
19 providing for codification; and providing an
20 effective date.

21
22 BE IT ENACTED BY THE PEOPLE OF THE STATE OF OKLAHOMA:

23 SECTION 1. NEW LAW A new section of law to be codified
24 in the Oklahoma Statutes as Section 4-109.4 of Title 26, unless
25 there is created a duplication in numbering, reads as follows:

26 A. A person may submit a voter registration application
27 electronically as provided in this section if such person:

28 1. Has a current and valid Oklahoma driver license or
29 identification card issued by the Department of Public Safety
30 pursuant to the provisions of Section 6-101 et seq. of Title 47 of
31 the Oklahoma Statutes;

1 2. Is registering to vote at the address shown on the driver
2 license or identification card; and

3 3. Is a qualified elector and entitled to become a registered
4 voter as provided by law.

5 B. The Secretary of the State Election Board, subject to
6 available funding, shall establish a secure website to permit
7 persons described in subsection A of this section to submit voter
8 registration applications electronically. The website must permit
9 such persons to submit an application to register to vote or to
10 update an existing registration. The Secretary may employ security
11 measures he or she deems necessary to ensure the accuracy and
12 integrity of voter registration applications submitted
13 electronically and may establish an initial date on which voter
14 registration applications may be submitted electronically after
15 establishment of the website.

16 C. 1. The applicant must attest to the truth of the
17 information provided on the application by affirmatively accepting
18 the information as true and correct. Any person who submits false
19 information on an electronic voter registration application shall be
20 deemed guilty of a felony as described in Sections 16-103 and 16-
21 103.1 of Title 26 of the Oklahoma Statutes.

22 2. The applicant must affirmatively consent to the use of his
23 or her driver license or identification card signature for voter
24 registration purposes.

1 3. A voter registration application properly submitted
2 electronically shall be considered by the State Election Board in
3 the same manner as a registration application submitted by mail.

4 D. When an applicant submits a voter registration application
5 electronically, the Secretary shall generate an electronic
6 confirmation on the website that the application has been received,
7 with instructions as to how the applicant may check the status of
8 the application thereafter. In addition, the Secretary shall obtain
9 a digital copy of the applicant's driver license or identification
10 card from the Department of Public Safety and shall compare the
11 information submitted on the application to the information shown on
12 the digital copy. If the Secretary finds that the application is in
13 compliance with this section and all applicable laws relating to
14 voter registration, the digital signature of the applicant shall be
15 included on the application and the application shall be processed
16 as provided by law. If the Secretary does not so find, the
17 applicant shall be notified that the application has been rejected
18 and the reasons for such rejection.

19 E. The Secretary shall promulgate rules as may be necessary to
20 implement the provisions of this section.

21 SECTION 2. AMENDATORY 26 O.S. 2011, Section 4-103.1, is
22 amended to read as follows:

23 Section 4-103.1. A. A qualified elector may apply to register
24 to vote or update a registration to vote by:

1 1. Delivering by mail or otherwise a completed voter
2 registration application to the State Election Board or any county
3 election board;

4 2. Completing a voter registration application in person with
5 any official of an agency described in Section ~~10~~ 4-109.2 of this
6 ~~act~~ title; ~~or~~

7 3. Completing a voter registration application in person as
8 part of an application for issuance, renewal or change of address
9 for a ~~driver's~~ driver license or issuance of a state identification
10 card issued pursuant to Section 6-105 of Title 47 of the Oklahoma
11 Statutes with a designated representative of the Department of
12 Public Safety; or

13 4. Completing a voter registration application electronically
14 as provided in Section 1 of this act.

15 B. The secretary of the county election board for the county of
16 the applicant's residence shall send to each applicant by
17 nonforwardable, first-class United States mail a notice of the
18 disposition of the application. Notice mailing costs shall be paid
19 by the county. Provided, the Secretary of the State Election Board
20 may authorize such notices to be sent by electronic means for voter
21 registration applications submitted electronically.

22 SECTION 3. AMENDATORY 26 O.S. 2011, Section 4-109.2, is
23 amended to read as follows:
24

1 Section 4-109.2. A. The Secretary of the State Election Board
2 shall designate offices in the state which provide public
3 assistance, and offices in the state that provide state-funded
4 programs primarily engaged in providing services to persons with
5 disabilities as voter registration agencies. The Secretary shall
6 identify certain other agencies of state and local government and,
7 with their agreement, of federal and nongovernmental entities as
8 optional voter registration agencies where voter registration
9 services prescribed by the Secretary shall be available.
10 Recruitment offices of the Armed Forces of the United States and
11 offices of the county election boards shall be voter registration
12 agencies.

13 B. Each designated voter registration agency shall, with each
14 application for service or assistance and with each recertification,
15 renewal or change of address form relating to the service or
16 assistance of voter registration:

17 1. Provide a voter registration application which may include
18 all statements and declination form required under the National
19 Voter Registration Act of 1993.

20 2. Provide to each applicant who does not decline to register
21 to vote the same degree of assistance with regard to the completion
22 of the registration application form as is provided by the office
23 with regard to the completion of its own forms, unless the applicant
24 refuses such assistance.

1 3. Require each applicant either to complete a voter
2 registration application or to sign a declination form.

3 C. No information relating to a declination to register to vote
4 in connection with an application made at an office designated a
5 voter registration agency may be used for any purpose other than
6 voter registration.

7 D. Declination forms signed by each applicant shall be retained
8 by designated voter registration agencies for twenty-four (24)
9 months from the date of the declination.

10 E. The identity of a voter registration agency through which a
11 particular voter registered may not be disclosed to the public.

12 F. Optional voter registration agencies where voter
13 registration services prescribed by the Secretary shall be
14 available, shall provide such services during regular business hours
15 of the agency during the time prescribed by law for making such
16 transactions.

17 G. Voter registration agencies which are not county election
18 boards shall transmit all completed voter registration applications
19 at the close of business each week to the State Election Board in
20 preaddressed, postage prepaid envelopes provided by the State
21 Election Board.

22 H. The Secretary of the State Election Board is authorized to
23 develop with any agency designated in subsection A of this section a
24 system to electronically transmit voter registration applications

1 from the agency to the State Election Board or county election
2 boards. Such system shall be consistent with the requirements for
3 electronic submission of voter registration applications provided in
4 Section 1 of this act.

5 SECTION 4. AMENDATORY 26 O.S. 2011, Section 4-109.3, is
6 amended to read as follows:

7 Section 4-109.3. A. When a qualified elector applies for
8 issuance or renewal of an Oklahoma driver's license, or issuance of
9 a state identification card issued pursuant to Section 6-105 of
10 Title 47 of the Oklahoma Statutes, or for a change of address for
11 ~~driver's~~ driver license purposes, the person shall be asked if he or
12 she wishes to register to vote or to change his or her address for
13 voting purposes. If the person wishes to register to vote or to
14 change his or her address for voting purposes, the person shall be
15 given a voter registration application which should be completed and
16 signed by the applicant and returned to the official of the motor
17 license agency. If the person declines, he or she shall be given a
18 declination statement with the application form prescribed by the
19 Secretary of the State Election Board which shall be retained by the
20 motor license agency or designated representative of the Department
21 of Public Safety for twenty-four (24) months. All completed voter
22 registration applications shall be transmitted by the motor license
23 agent at the close of business each week to the State Election Board
24 in preaddressed, postage prepaid envelopes provided by the State

1 Election Board. If a person registers or declines to register to
2 vote, the office at which the person submits the voter registration
3 application or the fact that the person declined to register shall
4 remain confidential and will be used only for voter registration
5 purposes.

6 B. Motor license agents shall receive fifty cents (\$0.50) per
7 valid voter registration application or application for change in
8 voter registration taken by themselves and employees of the motor
9 license agent's office taken at the agent's office, payable by the
10 State Election Board.

11 C. The Oklahoma Tax Commission shall notify the Secretary of
12 the State Election Board of motor license agent appointments. The
13 Oklahoma Department of Public Safety shall notify the Secretary of
14 the State Election Board of motor license agents qualified to issue
15 ~~driver's~~ driver licenses.

16 D. The Secretary of the State Election Board is authorized to
17 develop with ~~appropriate officials of~~ the Department of Public
18 Safety ~~an experimental process~~ a system to electronically transmit
19 voter registration ~~information~~ applications from ~~one or more~~ motor
20 license agencies to ~~one or more~~ the State Election Board or county
21 election boards. Such system shall be consistent with the
22 requirements for electronic submission of voter registration
23 applications provided in Section 1 of this act.
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1 SECTION 5. AMENDATORY 26 O.S. 2011, Section 4-110.1, is
2 amended to read as follows:

3 Section 4-110.1. A. Voter registration applications may be
4 submitted at any time. However, completed applications received by
5 the State Election Board, any county election board, any agency
6 designated to accept voter registration applications or any motor
7 license agent as part of a ~~driver's~~ driver license or identification
8 card application twenty-four (24) or fewer days prior to an
9 election; any mail application postmarked or any electronic
10 application submitted twenty-four (24) or fewer days ~~or less~~ prior
11 to an election or any mail application received without a postmark
12 nineteen (19) or fewer days ~~or less~~ prior to an election shall not
13 be approved for that election if the applicant's residence is
14 located within the geographical boundaries of the entity for which
15 the election is being conducted.

16 B. No more than seven (7) days after any election, each county
17 election board secretary for the county of the applicant's residence
18 shall ~~mail~~ send a notice of disposition as required in Section 4-
19 103.1 of this title to all persons whose voter registration
20 applications were received twenty-four (24) or fewer days ~~or less~~
21 prior to the election.

22 C. Registration for voting purposes occurs when a completed
23 voter registration application is approved by the county election
24 board secretary for the county of the applicant's residence and on

1 the date that the information is entered into the voter registration
2 database for the county of the applicant's residence.

3 D. Registration for candidate filing or party affiliation
4 purposes occurs at the earliest time the completed voter
5 registration application is received at the State Election Board,
6 any county election board, any agency designated to accept voter
7 registration applications or any Motor License Agent as part of a
8 ~~driver's~~ driver license or identification card application provided
9 that the application subsequently is approved by the secretary of
10 the county election board for the county of the applicant's
11 residence; or, in the case of mail applications, registration for
12 candidate filing or party affiliation purposes shall occur at the
13 time when the completed voter registration application is postmarked
14 provided that the application subsequently is approved by the
15 secretary of the county election board for the county of the
16 applicant's residence; or, in the case of a mail application
17 received without a postmark, registration for candidate filing or
18 party affiliation purposes shall occur at the earliest time when the
19 completed application is received by the State Election Board or any
20 county election board provided that the application is subsequently
21 approved by the secretary of the county election board for the
22 county of the applicant's residence.

23 SECTION 6. AMENDATORY 26 O.S. 2011, Section 4-112, is
24 amended to read as follows:

1 Section 4-112. A. The Secretary of the State Election Board
2 shall devise and distribute a registration application form to be
3 used for registering voters. Such registration application shall
4 contain the following information:

5 1. The applicant's full name and date of birth, county and
6 place of residence, and mailing address pursuant to the provisions
7 of subsection ~~B~~ G of this section; ~~the~~

8 2. The names of political parties recognized by the laws of the
9 State of Oklahoma with which the applicant may be affiliated; ~~the~~

10 3. The Oklahoma driver license or identification card number if
11 the applicant has been issued a current and valid driver license or
12 identification card by the Department of Public Safety, or if the
13 applicant does not have a valid Oklahoma driver license or
14 identification card, the last four digits of the voter's social
15 security number; ~~an~~

16 4. An oath of the eligibility of the applicant to become a
17 registered voter; and ~~such~~

18 5. Such other information as may be deemed necessary by the
19 Secretary to identify such applicant and to ascertain his or her
20 eligibility.

21 B. A voter registration application shall be signed by the
22 applicant in writing. The applicant shall personally subscribe his
23 or her name to or make his or her mark on the application, and no
24 agent, representative or employee of the applicant may sign or mark

1 on the applicant's behalf. The signature or mark must be the
2 original, handwritten signature, autograph or mark of the applicant.
3 No facsimile, reproduction, typewritten or other substitute
4 signature, autograph or mark will be valid. Notwithstanding any law
5 to the contrary, the Secretary of the State Election Board shall
6 prescribe procedures to authorize any person incapable of personally
7 making a mark to complete a voter registration application with
8 assistance of an official of any voter registration agency or motor
9 license agency specified in Sections 4-109.2 and 4-109.3 of this
10 title. Provided, for applications submitted electronically, in lieu
11 of the signature requirements set forth in this subsection, the
12 applicant shall affirmatively consent to the use of his or her
13 driver license or identification card signature as provided in
14 Section 1 of this act.

15 C. Persons who do not indicate a recognized political party or
16 political organization on their registration application shall be
17 designated as Independents.

18 D. Any person may apply in writing to the Secretary of the
19 State Election Board for permission to print, copy or otherwise
20 prepare and distribute the registration applications designed by the
21 Secretary of the State Election Board. The Secretary may revoke any
22 such permission at any time.

23 E. All registration applications shall be distributed to the
24 public at no charge.

1 F. The Secretary also shall prescribe procedures to accept and
2 use federal registration applications as required by the National
3 Voter Registration Act of 1993.

4 ~~B.~~ G. Applicants for voter registration or for change of voter
5 registration in any way shall provide a residence address and, if
6 different from the residence address, a mailing address. A
7 residence address shall include the street address of the residence,
8 including a full house number, street name or number, apartment or
9 suite number, if applicable, and zip code. If a street address is
10 not available for the residence, applicants shall provide such
11 information as the State Election Board deems necessary for voter
12 registration purposes. A post office box may not be given as a
13 residence address. A mailing address, which shall include the city
14 and zip code, may be the actual emergency notification or 911
15 address on file in the local community, a rural route and box
16 number, a post office box number or a street address.

17 SECTION 7. This act shall become effective November 1, 2015.
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1 Passed the Senate the 11th day of March, 2015.

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3 _____
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