

**SENATE CHAMBER**  
**STATE OF OKLAHOMA**

DISPOSITION

☐ FLOOR AMENDMENT

No. \_\_\_\_\_

\_\_\_\_\_

☐ COMMITTEE AMENDMENT

\_\_\_\_\_

(Date)

Mr./Madame President:

I move to amend Senate Bill No. 114, by substituting the attached floor substitute for the title, enacting clause and entire body of the measure.

Submitted by:

\_\_\_\_\_  
Senator Stanislawski

Stanislawski-CD-FS-Req#1559  
2/18/2016 4:57 PM

(Floor Amendments Only)    Date and Time Filed: \_\_\_\_\_

☐ Untimely

☐ Amendment Cycle Extended

☐ Secondary Amendment

STATE OF OKLAHOMA

1st Session of the 55th Legislature (2015)

FLOOR SUBSTITUTE

FOR

SENATE BILL NO. 114

By: Stanislawski and Newberry  
of the Senate

and

Walker of the House

FLOOR SUBSTITUTE

An Act relating to elections; authorizing certain state agency to share certain records with State Election Board; specifying duties of Secretary of State Election Board; providing for mailing of certain notices; defining term; amending 26 O.S. 2011, Sections 4-120.2, 4-120.3, as last amended by Section 1, Chapter 213, O.S.L. 2012, and 7-115.1 (26 O.S. Supp. 2014, Section 4-120.3), which relate to 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.

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

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

1       A. Any state agency that purchases, subscribes to, or is an  
2 authorized or licensed user of the United States Postal Service's  
3 National Change of Address dataset is authorized to share the  
4 records from the dataset with the State Election Board.

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

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

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

22       SECTION 2.       AMENDATORY       26 O.S. 2011, Section 4-120.2, is  
23 amended to read as follows:  
24

1       Section 4-120.2. A. No later than June 1 of each odd-numbered  
2 year ~~and for~~, any voter identified within the previous twenty-four  
3 (24) months, ~~any~~ as subject to the provisions of this subsection  
4 shall be sent an address confirmation mailing prescribed by the  
5 Secretary of the State Election Board and paid for by the state.

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

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

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

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

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

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

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

1 Voters who do not respond to the confirmation mailing or whose  
2 mailing is returned as nonforwardable shall be designated as  
3 inactive sixty (60) days after the mailing.

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

- 6 1. With any registration change initiated by the voter; or
- 7 2. By voting in any election conducted by a county election  
8 board.

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

21 ~~B.~~ C. The secretary of each county election board shall cause  
22 all inactive voters in a precinct to be identified on the precinct  
23 registry.  
24

1        ~~C.~~ D. No later than June 1 of each odd-numbered year, the  
2 Secretary of the State Election Board shall identify duplicate voter  
3 registrations in the state and shall direct appropriate county  
4 election board secretaries to cancel the voter registration of all  
5 but the latest registration of duplicate voter registrations. Each  
6 county election board secretary shall maintain for twenty-four (24)  
7 months a list of the names and addresses of all canceled duplicate  
8 voter registrations. For the purposes of this subsection, duplicate  
9 voter registrations are those registrations which contain the  
10 following identical information on more than one registration:

11            1. First name, middle name or initial, last name, and date of  
12 birth;

13            2. Driver license or social security number; or

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

16        SECTION 3.        AMENDATORY        26 O.S. 2011, Section 4-120.3, as  
17 last amended by Section 1, Chapter 213, O.S.L. 2012 (26 O.S. Supp.  
18 2014, Section 4-120.3), is amended to read as follows:

19        Section 4-120.3. A. The State Department of Health shall each  
20 month transmit to the Secretary of the State Election Board a  
21 certified list of all deaths of residents that have occurred within  
22 the state for the immediately preceding month. The Secretary of the  
23 State Election Board shall transmit such list to the secretary of  
24 the county election board who shall then use such list to ascertain

1 those voters who are deceased, and shall thereafter remove such  
2 deceased person's name from the central registry and voter  
3 registration database. Such list shall be used only for the  
4 purposes hereinbefore described.

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

21 C. The administrator of a nursing facility, as defined in  
22 Section 1-1902 of Title 63 of the Oklahoma Statutes, or the  
23 administrator of a veterans center established pursuant to Title 72  
24 of the Oklahoma Statutes, also may execute a form prescribed by the

1 Secretary of the State Election Board to notify the secretary of the  
2 county election board of the death of a nursing facility resident  
3 who is a registered voter. The administrator's signature on such  
4 form shall be witnessed by a member of the nursing home absentee  
5 voting board, shall be notarized or shall be witnessed by two  
6 persons whose signatures and addresses shall appear on the form.

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

18 E. The registration of a deceased voter who was a member of the  
19 Oklahoma National Guard or the armed forces of the United States and  
20 who died in the line of duty may be canceled by the secretary of a  
21 county election board upon the receipt of notification of the  
22 voter's death from the Oklahoma National Guard or the armed forces  
23 of the United States. The Secretary of the State Election Board may  
24 prescribe the forms of such notification to be accepted by the

1 county election board in order to cause the registration of the  
2 voter to be canceled. The Secretary shall further request the  
3 Oklahoma National Guard and the armed forces of the United States to  
4 provide notifications to the county election board as provided for  
5 in this section.

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

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

19 Section 7-115.1. A. Before being issued a ballot, an inactive  
20 voter who appears to vote during in-person absentee voting or at the  
21 voter's precinct shall be required by the in-person absentee voting  
22 board or the judge to complete an address confirmation form  
23 prescribed by the Secretary of the State Election Board.  
24

1        B. Before being issued a ballot, a voter identified in  
2 Subsection C of Section 1 of this act who appears to vote during in-  
3 person absentee voting or at the voter's precinct shall be required  
4 by the in-person absentee voting board or the judge to complete an  
5 address confirmation form prescribed by the Secretary of the State  
6 Election Board.

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

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

23        SECTION 5. This act shall become effective November 1, 2015.

24        55-1-1559            CD            2/18/2016 4:57:01 PM