

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

DISPOSITION

☐ FLOOR AMENDMENT

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

\_\_\_\_\_

☐ COMMITTEE AMENDMENT

\_\_\_\_\_  
(Date)

Mr./Madame President:

I move to amend Senate Bill No. 313, by substituting the attached floor substitute for the title, enacting clause and entire body of the measure.

Submitted by:

\_\_\_\_\_  
Senator Holt

Holt-CD-FS-Req#1568  
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. 313

By: Holt and Bass of the Senate

and

Banz of the House

FLOOR SUBSTITUTE

An Act relating to electronic voter registration; allowing certain persons to submit voter registration applications electronically; specifying duties and authority of Secretary of State Election Board; requiring establishment of secure website; stating requirements for applicants; providing procedures upon submission of application electronically; providing for signature on application; allowing promulgation of certain rules; amending 26 O.S. 2011, Sections 4-103.1, 4-109.2, 4-109.3, 4-110.1 and 4-112, which relate to voter registration; clarifying references and language; authorizing Secretary to develop certain systems and specifying requirements; 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 4-109.4 of Title 26, unless there is created a duplication in numbering, reads as follows:

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

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

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

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

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

20       C. 1. The applicant must attest to the truth of the  
21       information provided on the application by affirmatively accepting  
22       the information as true and correct. Any person who submits false  
23       information on an electronic voter registration application shall be  
24

1 deemed guilty of a felony as described in Sections 16-103 and 16-  
2 103.1 of Title 26 of the Oklahoma Statutes.

3 2. The applicant must affirmatively consent to the use of his  
4 or her driver license or identification card signature for voter  
5 registration purposes.

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

9 D. When an applicant submits a voter registration application  
10 electronically, the Secretary shall generate an electronic  
11 confirmation on the website that the application has been received,  
12 with instructions as to how the applicant may check the status of  
13 the application thereafter. In addition, the Secretary shall obtain  
14 a digital copy of the applicant's driver license or identification  
15 card from the Department of Public Safety and shall compare the  
16 information submitted on the application to the information shown on  
17 the digital copy. If the Secretary finds that the application is in  
18 compliance with this section and all applicable laws relating to  
19 voter registration, the digital signature of the applicant shall be  
20 included on the application and the application shall be processed  
21 as provided by law. If the Secretary does not so find, the  
22 applicant shall be notified that the application has been rejected  
23 and the reasons for such rejection.  
24

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

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

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

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

10 2. Completing a voter registration application in person with  
11 any official of an agency described in Section ~~40~~ 4-109.2 of this  
12 ~~act~~ title; ~~or~~

13 3. Completing a voter registration application in person as  
14 part of an application for issuance, renewal or change of address  
15 for a ~~driver's~~ driver license or issuance of a state identification  
16 card issued pursuant to Section 6-105 of Title 47 of the Oklahoma  
17 Statutes with a designated representative of the Department of  
18 Public Safety; or

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

21 B. The secretary of the county election board for the county of  
22 the applicant's residence shall send to each applicant by  
23 nonforwardable, first-class United States mail a notice of the  
24 disposition of the application. Notice mailing costs shall be paid

1 by the county. Provided, the Secretary of the State Election Board  
2 may authorize such notices to be sent by electronic means for voter  
3 registration applications submitted electronically.

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

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

18 B. Each designated voter registration agency shall, with each  
19 application for service or assistance and with each recertification,  
20 renewal or change of address form relating to the service or  
21 assistance of voter registration:

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

1        2. Provide to each applicant who does not decline to register  
2 to vote the same degree of assistance with regard to the completion  
3 of the registration application form as is provided by the office  
4 with regard to the completion of its own forms, unless the applicant  
5 refuses such assistance.

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

8        C. No information relating to a declination to register to vote  
9 in connection with an application made at an office designated a  
10 voter registration agency may be used for any purpose other than  
11 voter registration.

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

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

17        F. Optional voter registration agencies where voter  
18 registration services prescribed by the Secretary shall be  
19 available, shall provide such services during regular business hours  
20 of the agency during the time prescribed by law for making such  
21 transactions.

22        G. Voter registration agencies which are not county election  
23 boards shall transmit all completed voter registration applications  
24 at the close of business each week to the State Election Board in

1 preaddressed, postage prepaid envelopes provided by the State  
2 Election Board.

3 H. The Secretary of the State Election Board is authorized to  
4 develop with any agency designated in subsection A of this section a  
5 system to electronically transmit voter registration applications  
6 from the agency to the State Election Board or county election  
7 boards. Such system shall be consistent with the requirements for  
8 electronic submission of voter registration applications provided in  
9 Section 1 of this act.

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

12 Section 4-109.3. A. When a qualified elector applies for  
13 issuance or renewal of an Oklahoma driver's license, or issuance of  
14 a state identification card issued pursuant to Section 6-105 of  
15 Title 47 of the Oklahoma Statutes, or for a change of address for  
16 ~~driver's~~ driver license purposes, the person shall be asked if he or  
17 she wishes to register to vote or to change his or her address for  
18 voting purposes. If the person wishes to register to vote or to  
19 change his or her address for voting purposes, the person shall be  
20 given a voter registration application which should be completed and  
21 signed by the applicant and returned to the official of the motor  
22 license agency. If the person declines, he or she shall be given a  
23 declination statement with the application form prescribed by the  
24 Secretary of the State Election Board which shall be retained by the



1 motor license agency or designated representative of the Department  
2 of Public Safety for twenty-four (24) months. All completed voter  
3 registration applications shall be transmitted by the motor license  
4 agent at the close of business each week to the State Election Board  
5 in preaddressed, postage prepaid envelopes provided by the State  
6 Election Board. If a person registers or declines to register to  
7 vote, the office at which the person submits the voter registration  
8 application or the fact that the person declined to register shall  
9 remain confidential and will be used only for voter registration  
10 purposes.

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

16 C. The Oklahoma Tax Commission shall notify the Secretary of  
17 the State Election Board of motor license agent appointments. The  
18 Oklahoma Department of Public Safety shall notify the Secretary of  
19 the State Election Board of motor license agents qualified to issue  
20 ~~driver's~~ driver licenses.

21 D. The Secretary of the State Election Board is authorized to  
22 develop with ~~appropriate officials of~~ the Department of Public  
23 Safety ~~an experimental process~~ a system to electronically transmit  
24 voter registration ~~information~~ applications from ~~one or more~~ motor

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

5 SECTION 5. AMENDATORY 26 O.S. 2011, Section 4-110.1, is  
6 amended to read as follows:

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

20 B. No more than seven (7) days after any election, each county  
21 election board secretary for the county of the applicant's residence  
22 shall ~~mail~~ send a notice of disposition as required in Section 4-  
23 103.1 of this title to all persons whose voter registration  
24

1 applications were received twenty-four (24) or fewer days ~~or less~~  
2 prior to the election.

3 C. Registration for voting purposes occurs when a completed  
4 voter registration application is approved by the county election  
5 board secretary for the county of the applicant's residence and on  
6 the date that the information is entered into the voter registration  
7 database for the county of the applicant's residence.

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

1 county election board provided that the application is subsequently  
2 approved by the secretary of the county election board for the  
3 county of the applicant's residence.

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

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

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

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

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

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

1        5. Such other information as may be deemed necessary by the  
2 Secretary to identify such applicant and to ascertain his or her  
3 eligibility.

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

22        C. Persons who do not indicate a recognized political party or  
23 political organization on their registration application shall be  
24 designated as Independents.

1        D. Any person may apply in writing to the Secretary of the  
2 State Election Board for permission to print, copy or otherwise  
3 prepare and distribute the registration applications designed by the  
4 Secretary of the State Election Board. The Secretary may revoke any  
5 such permission at any time.

6        E. All registration applications shall be distributed to the  
7 public at no charge.

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

11        ~~B.~~ G. Applicants for voter registration or for change of voter  
12 registration in any way shall provide a residence address and, if  
13 different from the residence address, a mailing address. A  
14 residence address shall include the street address of the residence,  
15 including a full house number, street name or number, apartment or  
16 suite number, if applicable, and zip code. If a street address is  
17 not available for the residence, applicants shall provide such  
18 information as the State Election Board deems necessary for voter  
19 registration purposes. A post office box may not be given as a  
20 residence address. A mailing address, which shall include the city  
21 and zip code, may be the actual emergency notification or 911  
22 address on file in the local community, a rural route and box  
23 number, a post office box number or a street address.  
24

SECTION 7. This act shall become effective November 1, 2015.

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