

1 **HOUSE OF REPRESENTATIVES - FLOOR VERSION**

2 STATE OF OKLAHOMA

3 1st Session of the 55th Legislature (2015)

4 ENGROSSED SENATE

5 BILL NO. 313

By: Holt and Bass of the Senate

and

Banz of the House

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

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

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

27 A. A person may submit a voter registration application
28 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.

COMMITTEE REPORT BY: COMMITTEE ON APPROPRIATIONS AND BUDGET, dated
04/08/2015 - DO PASS.