STATE OF OKLAHOMA

2nd Session of the 55th Legislature (2016)

SENATE BILL 1016   By: Holt

AS INTRODUCED

An Act relating to elections; amending Section 1,
Chapter 87, O.S.L. 2015 and 26 O.S. 2011, Section 4-
112, as amended by Section 6, Chapter 87, O.S.L. 2015
(26 O.S. Supp. 2015, Sections 4-109.4 and 4-112),
which relate to voter registration applications;
modifying procedures for verification of application
information; applying certain provisions of Open
Records Act to information obtained pursuant to
electronic voter registration application; modifying
information required to be contained on voter
registration application; clarifying designation of
persons not indicating political affiliation;
providing for acceptance and use of federal forms;
requiring certain signature, autograph or mark;
granting certain authority to Secretary of State
Election Board; requiring certain information to be
kept confidential; and declaring an emergency.

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

SECTION 1.   AMENDATORY   Section 1, Chapter 87, O.S.L. 2015

(26 O.S. Supp. 2015, Section 4-109.4), is amended to read as

follows:

Section 4-109.4. A. A person may submit a voter registration

application electronically as provided in this section if such

person:

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

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

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

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

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

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

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

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

D. 1. When an applicant submits a voter registration application electronically, the Secretary shall generate an electronic confirmation on the website that the application has been received, with instructions as to how the applicant may check the status of the application thereafter.

2. In addition, the Secretary shall ~~obtain a digital copy~~ compare the information contained in the record of the applicant's driver license or identification card ~~from~~ of the Department of Public Safety ~~and shall compare~~ with the information submitted on the application ~~to the information shown on the digital copy~~ and ensure that the information on the application substantially matches the information in the driver license or identification card record.

3. If the Secretary finds that the application is in compliance with this section and all applicable laws relating to voter registration, the digital signature contained in the driver license or identification card record of the applicant shall be obtained

from the Department of Public Safety and included on the application

and the application shall be processed as provided by law.

Provided, the Secretary of the State Election Board may utilize an

alternative method of obtaining the signature of the applicant, if

necessary.

4. If the Secretary does not so find, the applicant shall be

notified that the application has been rejected and the reasons for

such rejection.

E. The provisions of Section 24A.5 of Title 51 of the Oklahoma

Statutes relating to confidentiality of personal information within

driver records as defined by the Driver's Privacy Protection Act, 18

United States Code, Sections 2721 through 2725, shall be applicable

to information obtained by the State Election Board from voter

registration applications or digital copies of driver licenses or

identification cards pursuant to the provisions of this section.

F. The Secretary shall have the authority to promulgate rules

as may be necessary to implement the provisions of this section.

SECTION 2.   AMENDATORY   26 O.S. 2011, Section 4-112, as

amended by Section 6, Chapter 87, O.S.L. 2015 (26 O.S. Supp. 2015,

Section 4-112), is amended to read as follows:

Section 4-112. A. The Secretary of the State Election Board

shall devise and distribute a registration application form to be

used for registering voters. Such registration application shall

contain the following information:

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

2. ~~The names of political parties~~ A space or section to designate a political party recognized by the laws of the State of Oklahoma with which the applicant ~~may~~ chooses to be affiliated;

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

4. An oath of the eligibility of the applicant to become a registered voter; and

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

B. A voter registration application shall be signed by the applicant in writing. The applicant shall personally subscribe his or her name to or make his or her mark on the application, and no agent, representative or employee of the applicant may sign or mark on the applicant's behalf. The signature or mark must be the original, handwritten signature, autograph or mark of the applicant. No facsimile, reproduction, typewritten or other substitute

signature, autograph or mark will be valid. Notwithstanding any law to the contrary, the Secretary of the State Election Board shall prescribe procedures to authorize any person incapable of personally making a mark to complete a voter registration application with assistance of an official of any voter registration agency or motor license agency specified in Sections 4-109.2 and 4-109.3 of this title. Provided, for applications submitted electronically, in lieu of the signature requirements set forth in this subsection, the applicant shall affirmatively consent to the use of his or her driver license or identification card signature as provided in Section 1 of this act.

C. Persons who do not indicate a recognized political party or political organization on their registration application shall be designated as ~~Independents~~ Independent (no party).

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

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

F. The Secretary also shall prescribe procedures to accept and use ~~federal registration applications~~ the National Mail Voter Registration Form, or its successor, as required by the National

Voter Registration Act of 1993. Provided, the form shall include an original, handwritten signature, autograph or mark as described in subsection B of this section.

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

H. A full or partial Social Security number or driver license number in a voter registration record or a voter registration application shall be kept confidential by the State Election Board and each county election board, except by order of a court of record in this state.

SECTION 3. It being immediately necessary for the preservation of the public peace, health and safety, an emergency is hereby

declared to exist, by reason whereof this act shall take effect and
be in full force from and after its passage and approval.

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