

STATE OF OKLAHOMA

1st Session of the 55th Legislature (2015)

SENATE BILL 86

By: Dahm

AS INTRODUCED

An Act relating to voting eligibility; amending 26 O.S. 2011, Section 7-114, as last amended by Section 5, Chapter 4, O.S.L. 2014 (26 O.S. Supp. 2014, Section 7-114), which relates to determination of eligibility; modifying documents to which expiration date requirement applies; and providing an effective date.

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

SECTION 1. AMENDATORY 26 O.S. 2011, Section 7-114, as last amended by Section 5, Chapter 4, O.S.L. 2014 (26 O.S. Supp. 2014, Section 7-114), is amended to read as follows:

Section 7-114. A. Each person appearing to vote shall announce that person's name to the judge of the precinct and shall provide proof of identity, whereupon the judge shall determine whether the person's name is in the precinct registry. As used in this section, "proof of identity" shall mean a document that satisfies all of the following:

1 1. The document shows the name of the person to whom the
2 document was issued, and the name substantially conforms to the name
3 in the precinct registry;

4 2. The document shows a photograph of the person to whom the
5 document was issued;

6 3. The document includes an expiration date, which is after the
7 date of the election in which the person is appearing to vote. The
8 provisions of this paragraph shall not apply to:

9 a. an identification card that is valid indefinitely, ~~or~~

10 b. an identification card issued by a branch of the armed
11 services of the United States to a person who is a
12 member of such branch or is retired therefrom,

13 c. an expired Oklahoma driver license, or

14 d. an expired United States passport; and

15 4. The document was issued by the United States, the State of
16 Oklahoma or the government of a federally recognized Indian tribe or
17 nation.

18 Provided, if the person presents a voter identification card
19 issued by the appropriate county election board, such card may serve
20 as proof of identity without meeting the requirements of paragraphs
21 2 and 3 of this subsection.

22 B. 1. If a person declines to or is unable to produce proof of
23 identity, the person may sign a statement under oath, in a form
24 approved by the Secretary of the State Election Board, swearing or

1 affirming that the person is the person identified on the precinct
2 registry, and shall be allowed to cast a provisional ballot in a
3 manner consistent with the provisions of Section 7-116.1 of this
4 title.

5 2. A provisional ballot cast by a voter who declines or is
6 unable to produce proof of identity shall only be considered
7 verified and approved for counting if:

- 8 a. the voter's name on the affidavit substantially
9 conforms to the voter's name in the voter registration
10 database, except as provided in paragraph 3 of this
11 subsection,
- 12 b. the voter's residence address on the affidavit
13 substantially conforms to the voter's residence
14 address in the voter registration database, except as
15 provided in paragraph 4 of this subsection,
- 16 c. the voter's date of birth matches the information in
17 the voter registration database,
- 18 d. the voter's Oklahoma driver license number or the last
19 four digits of the voter's Social Security number on
20 the affidavit matches the information in the voter
21 registration database. The provisions of this
22 subparagraph shall not apply if the voter was not
23 required to provide a driver license number or the
24

1 last four digits of the voter's Social Security number
2 at the time of registration, and

3 e. the provisional ballot meets the eligibility
4 requirements set forth in Section 7-116.1 of this
5 title.

6 3. A voter casting a provisional ballot as provided in this
7 section who has legally changed his or her name, but has not updated
8 the name on the voter registry, may note this fact on the affidavit
9 and submit a form prescribed by the Secretary of the State Election
10 Board to update his or her name. In such a case, and where the
11 requirements of Section 4-117 of this title are satisfied, the
12 provisional ballot shall be deemed to meet the requirements of
13 subparagraph a of paragraph 2 of this subsection.

14 4. A voter casting a provisional ballot as provided in this
15 section who has changed his or her address of residence, but has not
16 updated the address on the voter registry, may note this fact on the
17 affidavit and submit a form to update the address prescribed by the
18 Secretary of the State Election Board. In such a case, and where
19 the requirements of Section 4-117 of this title are satisfied, the
20 provisional ballot shall be deemed to meet the requirements of
21 subparagraph a of paragraph 2 of this subsection.

22 5. False swearing or affirming under oath shall be punishable
23 as a felony as provided in Section 16-103 of this title, and the
24 penalty shall be distinctly set forth on the face of the statement.

SECTION 2. This act shall become effective November 1, 2015.

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