

STATE OF OKLAHOMA

2nd Session of the 55th Legislature (2016)

HOUSE BILL 2592

By: Perryman

AS INTRODUCED

An Act relating to elections; amending 26 O.S. 2011, Section 4-113, which relates to voter identification; requiring computerized finger imaging for voter registration; prohibiting access to information collected; requiring written application for access to information; requiring probable cause; authorizing adoption of rules; amending 26 O.S. 2011, Section 7-114, as last amended by Section 5, Chapter 4, O.S.L. 2014 (26 O.S. Supp. 2015, Section 7-114), which relates to proof of identity; allowing certain imaging systems as proof of identity; and providing an effective date.

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

SECTION 1. AMENDATORY 26 O.S. 2011, Section 4-113, is amended to read as follows:

Section 4-113. A. The Secretary of the State Election Board shall devise a voter identification card which shall be issued to every person who becomes a registered voter in Oklahoma. Said voter identification card shall contain such information as is necessary to determine a registered voter's eligibility.

B. When a person registers to vote or changes his or her registration in any manner to require a new voter identification

1 card, the county election board secretary in the county of the
2 voter's residence shall transmit the new voter identification card
3 as acknowledgment of the transaction which may be the notice
4 required in Section 4-103.1 of this title.

5 C. The State Election Board shall develop and implement a
6 procedure for computerized finger imaging by means of an inkless
7 finger image scanning device and shall require every applicant for
8 voter registration or change in registration to submit to finger
9 imaging for the purposes of proof of identity and to ensure the
10 security of the voter registration card issued to the applicant and
11 to enable registered voters who have no written documentation of
12 identity to vote. A registered voter who was duly registered prior
13 to the implementation of computerized finger-imaging identification
14 as set forth herein may voluntarily submit to finger imaging in the
15 same manner as a person who is registering as a new voter or a
16 person who is changing registration.

17 D. For the purposes of this section and Section 7-114 of this
18 title, "automated finger imaging" or "computerized finger imaging"
19 means capturing the image of the two index fingers and the facial
20 photograph of a person who is registering to vote or changing voter
21 registration or voluntarily submitting such images to a database for
22 voter identification purposes and the storing of such record of
23 those images in a manner to allow said images to identify a
24 registered voter for any purpose necessary under this title.

1 E. No law enforcement agency of the state or federal government
2 other than the State Election Board shall have access to any
3 information collected through the use of computerized finger imaging
4 without first obtaining a court order from a judge of competent
5 jurisdiction. Each application for an order authorizing the access
6 to any information collected through the use of computerized finger
7 imaging shall be made in writing upon oath or affirmation to a judge
8 of competent jurisdiction. Each application shall establish
9 probable cause for belief that a named individual is committing, has
10 committed or is about to commit a particular violation of law.

11 F. The Secretary of the State Election Board shall adopt rules
12 as may be necessary to carry out the provisions of this section.

13 SECTION 2. AMENDATORY 26 O.S. 2011, Section 7-114, as
14 last amended by Section 5, Chapter 4, O.S.L. 2014 (7-114 O.S. Supp.
15 2015, Section 7-114), is amended to read as follows:

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

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

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

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

6 a. an identification card that is valid indefinitely, or

7 b. an identification card issued by a branch of the armed
8 services of the United States to a person who is a
9 member of such branch or is retired therefrom; and

10 4. The document was issued by the United States, the State of
11 Oklahoma or the government of a federally recognized Indian tribe or
12 nation.

13 Provided, if the person presents a voter identification card
14 issued by the appropriate county election board, such card may serve
15 as proof of identity without meeting the requirements of paragraphs
16 2 and 3 of this subsection.

17 B. If a person who has submitted to computerized finger imaging
18 as provided in Section 4-113 of this title declines to or is unable
19 to produce proof of identity, the person may inform the judge of the
20 precinct that the person desires to be identified by computerized
21 finger imaging and if the automated finger-imaging system positively
22 identifies said person, the person may be allowed to cast a ballot
23 as if that person had submitted documentation complying with
24 subsection A of this section.

1 C. 1. If a person declines to or is unable to produce proof of
2 identity and has not previously submitted a computerized finger-
3 imaging record to the State Election Board or the person has
4 previously submitted a computerized finger-imaging record to the
5 State Election Board and the electronic identity verification
6 database is either not available at the polling place or said
7 database does not successfully identify the person seeking to vote,
8 the person may sign a statement under oath, in a form approved by
9 the Secretary of the State Election Board, swearing or affirming
10 that the person is the person identified on the precinct registry,
11 and shall be allowed to cast a provisional ballot in a manner
12 consistent with the provisions of Section 7-116.1 of this title.

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

- 16 a. the voter's name on the affidavit substantially
17 conforms to the voter's name in the voter registration
18 database, except as provided in paragraph 3 of this
19 subsection,
- 20 b. the voter's residence address on the affidavit
21 substantially conforms to the voter's residence
22 address in the voter registration database, except as
23 provided in paragraph 4 of this subsection,

- 1 c. the voter's date of birth matches the information in
2 the voter registration database,
- 3 d. the voter's Oklahoma driver license number or the last
4 four digits of the voter's Social Security number on
5 the affidavit matches the information in the voter
6 registration database. The provisions of this
7 subparagraph shall not apply if the voter was not
8 required to provide a driver license number or the
9 last four digits of the voter's Social Security number
10 at the time of registration, and
- 11 e. the provisional ballot meets the eligibility
12 requirements set forth in Section 7-116.1 of this
13 title.

14 3. A voter casting a provisional ballot as provided in this
15 section who has legally changed his or her name, but has not updated
16 the name on the voter registry, may note this fact on the affidavit
17 and submit a form prescribed by the Secretary of the State Election
18 Board to update his or her name. In such a case, and where the
19 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 4. A voter casting a provisional ballot as provided in this
23 section who has changed his or her address of residence, but has not
24 updated the address on the voter registry, may note this fact on the

1 affidavit and submit a form to update the address prescribed by the
2 Secretary of the State Election Board. In such a case, and where
3 the requirements of Section 4-117 of this title are satisfied, the
4 provisional ballot shall be deemed to meet the requirements of
5 subparagraph a of paragraph 2 of this subsection.

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

9 SECTION 3. This act shall become effective November 1, 2016.

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