

OKLAHOMA STATE SENATE
CONFERENCE
COMMITTEE REPORT

May 9, 2016

Mr. President:

Mr. Speaker:

The Conference Committee, to which was referred

SB 1016

By: Holt of the Senate and Banz of the House

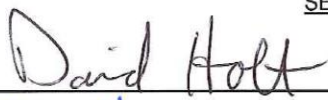



Title: Elections; modifying provisions relating to voter registration.

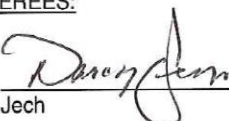


together with Engrossed House Amendments thereto, beg leave to report that we have had the same under consideration and herewith return the same with the following recommendations:

1. That the House recede from all Amendments.
2. That the attached Conference Committee Substitute be adopted.

Respectfully submitted,

SENATE CONFEREES:


Holt

Griffin

Pittman

Justice


Jech

Fields

Wyrick

HOUSE CONFEREES:

Conference Committee on Elections and Ethics

Senate Action _____ Date _____ House Action _____ Date _____

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1 STATE OF OKLAHOMA

2 2nd Session of the 55th Legislature (2016)

3 CONFERENCE COMMITTEE SUBSTITUTE
4 FOR ENGROSSED

5 SENATE BILL NO. 1016

By: Holt of the Senate

and

6 Banz of the House

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9 CONFERENCE COMMITTEE SUBSTITUTE

10 An Act relating to elections; amending 26 O.S. 2011,
11 Sections 4-103.1, 4-109.2 and 4-109.3, as amended by
12 Sections 2, 3 and 4, Chapter 87, O.S.L. 2015, Section
13 1, Chapter 87, O.S.L. 2015 and 4-112, as amended by
14 Section 6, Chapter 87, O.S.L. 2015 (26 O.S. Supp.
15 2015, Sections 4-103.1, 4-109.2, 4-109.3, 4-109.4 and
16 4-112), which relate to voter registration; updating
17 statutory references; modifying consent requirement
18 for electronic voter registration applicant;
19 requiring processing of applications in certain
20 manner; modifying procedures for comparison of
21 information submitted on electronic voter
22 registration application with records of Department
23 of Public Safety; specifying circumstances under
24 which application may not proceed; providing for
inclusion of digital image of signature on
application; authorizing Secretary of State Election
Board to develop alternative method of obtaining
signature; requiring notification if application not
in compliance; providing for confidentiality of
certain records; modifying contents of voter
registration application; modifying federal
registration forms which may be subject to procedures
prescribed by Secretary; requiring certain signature,
autograph or mark; and declaring an emergency.

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

SECTION 1. AMENDATORY 26 O.S. 2011, Section 4-103.1, as amended by Section 2, Chapter 87, O.S.L. 2015 (26 O.S. Supp. 2015, Section 4-103.1), is amended to read as follows:

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

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

2. Completing a voter registration application in person with any official of an agency described in Section 4-109.2 of this title;

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

4. Completing a voter registration application electronically as provided in Section ~~4-109.4 of this title.~~ 4-109.4 of this title.

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

1 may authorize such notices to be sent by electronic means for voter
2 registration applications submitted electronically.

3 SECTION 2. AMENDATORY 26 O.S. 2011, Section 4-109.2, as
4 amended by Section 3, Chapter 87, O.S.L. 2015 (26 O.S. Supp. 2015,
5 Section 4-109.2), is 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~~ 4-109.4 of this title.

10 SECTION 3. AMENDATORY 26 O.S. 2011, Section 4-109.3, as
11 amended by Section 4, Chapter 87, O.S.L. 2015 (26 O.S. Supp. 2015,
12 Section 4-109.3), is amended to read as follows:

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

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

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

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

22 D. The Secretary of the State Election Board is authorized to
23 develop with the Department of Public Safety a system to
24 electronically transmit voter registration applications from motor

1 license agencies to the State Election Board or county election
2 boards. Such system shall be consistent with the requirements for
3 electronic submission of voter registration applications provided in
4 ~~Section 1 of this act~~ 4-109.4 of this title.

5 SECTION 4. AMENDATORY Section 1, Chapter 87, O.S.L. 2015
6 (26 O.S. Supp. 2015, Section 4-109.4), is amended to read as
7 follows:

8 Section 4-109.4. A. A person may submit a voter registration
9 application electronically as provided in this section if such
10 person:

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

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

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

19 B. The Secretary of the State Election Board, subject to
20 available funding, shall establish a secure website to permit
21 persons described in subsection A of this section to submit voter
22 registration applications electronically. The website must permit
23 such persons to submit an application to register to vote or to
24 update an existing registration. The Secretary may employ security

1 measures he or she deems necessary to ensure the accuracy and
2 integrity of voter registration applications submitted
3 electronically and may establish an initial date on which voter
4 registration applications may be submitted electronically after
5 establishment of the website.

6 C. 1. The applicant must attest to the truth of the
7 information provided on the application by affirmatively accepting
8 the information as true and correct. Any person who submits false
9 information on an electronic voter registration application shall be
10 deemed guilty of a felony as described in Sections 16-103 and 16-
11 103.1 of ~~Title 26 of the Oklahoma Statutes~~ this title.

12 2. The applicant must ~~affirmatively~~ consent to the ~~use of~~
13 comparison of the information entered into an electronic voter
14 registration application to the information contained in his or her
15 driver license or identification card record and also to the use of
16 the signature included in the driver license or identification card
17 record for voter registration purposes.

18 3. A voter registration application properly submitted
19 electronically shall be ~~considered~~ processed by the State Election
20 Board and the appropriate county election board in the same manner
21 as a voter registration application submitted ~~by mail~~ on a paper
22 form.

23 D. 1. When an applicant submits a voter registration
24 application electronically, the Secretary shall generate an

1 electronic confirmation on the website that the application has been
2 received, with instructions as to how the applicant may check the
3 status of the application thereafter. ~~In addition, the~~

4 2. a. The Secretary shall ~~obtain a digital copy~~ submit the

5 information entered into the electronic voter

6 registration application by the applicant to the

7 Department of Public Safety for comparison to the

8 record of the applicant's driver license or

9 identification card ~~from the Department of Public~~

10 Safety and shall compare the information submitted on

11 the application to the information shown on the

12 digital copy. If

13 b. The Department of Public Safety shall respond to the

14 submission and shall indicate if the information

15 submitted matches the information in the applicant's

16 driver license record.

17 c. If the information matches, the electronic voter

18 registration application may proceed and the

19 Department of Public Safety shall provide the State

20 Election Board with the digital image of the signature

21 included in the applicant's driver license or

22 identification card record. If the information does

23 not match, the application shall not proceed, and the

24 applicant shall be notified of the failed match and

1 may be provided information and instruction for
2 updating the driver license or identification card
3 record with the Department of Public Safety.

4 3. a. Following a match of records by the Department of
5 Public Safety described in subparagraph b of paragraph
6 2 of this subsection, and if the Secretary finds that
7 the electronic voter registration application is in
8 compliance with this section and all applicable laws
9 relating to voter registration, the digital image of
10 the signature of the applicant from the applicant's
11 driver license or identification card record shall be
12 included on the application and the application shall
13 be submitted and processed as provided by law.
14 Provided, the Secretary of the State Election Board is
15 authorized to designate an alternative method of
16 obtaining the signature of the applicant, if
17 necessary.

18 b. If the Secretary does not ~~se~~ find that the electronic
19 voter registration application is in compliance with
20 this section and all applicable laws relating to voter
21 registration, the applicant shall be notified that the
22 electronic voter registration application ~~has been~~
23 ~~rejected and the reasons for such rejection~~ cannot be
24 submitted and the reasons it cannot be submitted, and

1 shall provide information about other methods to
2 submit a voter registration application.

3 E. The provisions of Section 24A.5 of Title 51 of the Oklahoma
4 Statutes relating to confidentiality of personal information within
5 driver records as defined by the Driver's Privacy Protection Act, 18
6 United States Code, Sections 2721 through 2725, shall be applicable
7 to information obtained by the State Election Board from the
8 Department of Public Safety during the information matching
9 procedure described in this section. Provided, however, this
10 subsection shall not apply to information entered into the
11 electronic voter registration application by the voter registration
12 applicant nor to the digital image of the applicant's signature
13 provided to the Secretary of the State Election Board by the
14 Department of Public Safety, upon the consent of the applicant, for
15 use on the electronic voter registration application as provided in
16 this section.

17 F. The Secretary shall promulgate rules as may be necessary to
18 implement the provisions of this section.

19 SECTION 5. AMENDATORY 26 O.S. 2011, Section 4-112, as
20 amended by Section 6, Chapter 87, O.S.L. 2015 (26 O.S. Supp. 2015,
21 Section 4-112), is amended to read as follows:

22 Section 4-112. A. The Secretary of the State Election Board
23 shall devise and distribute a registration application form to be
24

1 used for registering voters. Such registration application shall
2 contain the following information:

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

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

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

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

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

20 B. A voter registration application shall be signed by the
21 applicant in writing. The applicant shall personally subscribe his
22 or her name to or make his or her mark on the application, and no
23 agent, representative or employee of the applicant may sign or mark
24 on the applicant's behalf. The signature or mark must be the

1 original, handwritten signature, autograph or mark of the applicant.
2 No facsimile, reproduction, typewritten or other substitute
3 signature, autograph or mark will be valid. Notwithstanding any law
4 to the contrary, the Secretary of the State Election Board shall
5 prescribe procedures to authorize any person incapable of personally
6 making a mark to complete a voter registration application with
7 assistance of an official of any voter registration agency or motor
8 license agency specified in Sections 4-109.2 and 4-109.3 of this
9 title. Provided, for applications submitted electronically, in lieu
10 of the signature requirements set forth in this subsection, the
11 applicant shall ~~affirmatively~~ consent to the use of his or her
12 driver license or identification card signature as provided in
13 Section ~~1 of this act~~ 4-109.4 of this title.

14 C. Persons who do not indicate a recognized political party or
15 political organization on their registration application shall be
16 designated as Independents.

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

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

24

1 F. The Secretary also shall prescribe procedures to accept and
2 use ~~federal registration applications~~ the National Mail Voter
3 Registration Form, or its successor, as required by the National
4 Voter Registration Act of 1993. Provided, to be accepted as a valid
5 voter registration application, the form shall include the
6 applicant's original, handwritten signature, autograph or mark as
7 described in subsection B of this section.

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

21 H. A full or partial Social Security number or driver license
22 number in a voter registration record or a voter registration
23 application shall not be considered a public record and shall be
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1 kept confidential by the State Election Board and each county
2 election board.

3 SECTION 6. It being immediately necessary for the preservation
4 of the public peace, health and safety, an emergency is hereby
5 declared to exist, by reason whereof this act shall take effect and
6 be in full force from and after its passage and approval.

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