

STATE OF OKLAHOMA

1st Session of the 58th Legislature (2021)

HOUSE BILL 2842

By: Roberts (Sean)

AS INTRODUCED

An Act relating to elections; creating the Proof of Citizenship Act of 2021; amending 26 O.S. 2011, Section 7-114, as last amended by Section 5, Chapter 4, O.S.L. 2014 (26 O.S. Supp. 2020, Section 7-114), which relates to proof of identity; requiring proof of United States citizenship to vote; defining term; providing for proof prior to election; providing for noncodification; and providing an effective date.

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

SECTION 1. NEW LAW A new section of law not to be codified in the Oklahoma Statutes reads as follows:

This act shall be known and may be cited as the "Proof of Citizenship Act of 2021".

SECTION 2. AMENDATORY 26 O.S. 2011, Section 7-114, as last amended by Section 5, Chapter 4, O.S.L. 2014 (26 O.S. Supp. 2020, 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 and proof of United States citizenship, whereupon

1 the judge shall determine whether the person's name is in the
2 precinct registry.

3 B. As used in this section, "proof of identity" shall mean a
4 document that satisfies all of the following:

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

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

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

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

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

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

20 Provided, if the person presents a voter identification card
21 issued by the appropriate county election board, such card may serve
22 as proof of identity without meeting the requirements of paragraphs
23 2 and 3 of this subsection.

1 C. As used in this section "proof of United States citizenship"
2 shall mean one of the following documents:

3 1. An original birth document issued by a state, the
4 Commonwealth of Puerto Rico or the District of Columbia, or a
5 certified copy thereof;

6 2. An original birth certificate issued by the federal
7 government, or a certified copy thereof;

8 3. An original United States Certificate of Birth Abroad;

9 4. An original Report of Birth Abroad of a Citizen of the
10 United States;

11 5. An original Certificate of Citizenship (Form N-560 or N-
12 561); or

13 6. An original Certificate of Naturalization (Form N-550, N-570
14 or N-578) or a valid United States passport.

15 Copies of these documents shall be made by the appropriate county
16 election board and kept available for public inspection pursuant to
17 the Oklahoma Open Records Act.

18 ~~B.~~ D. 1. If a person declines to or is unable to produce proof
19 of identity and proof of United States citizenship, the person may
20 sign a statement under oath, in a form approved by the Secretary of
21 the State Election Board, swearing or affirming that the person is
22 the person identified on the precinct registry, and shall be allowed
23 to cast a provisional ballot in a manner consistent with the
24 provisions of Section 7-116.1 of this title.

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

- 4 a. the voter's name on the affidavit substantially
5 conforms to the voter's name in the voter registration
6 database, except as provided in paragraph 3 of this
7 subsection,
- 8 b. the voter's residence address on the affidavit
9 substantially conforms to the voter's residence
10 address in the voter registration database, except as
11 provided in paragraph 4 of this subsection,
- 12 c. the voter's date of birth matches the information in
13 the voter registration database,
- 14 d. the voter's Oklahoma driver license number or the last
15 four digits of the voter's Social Security number on
16 the affidavit matches the information in the voter
17 registration database. The provisions of this
18 subparagraph shall not apply if the voter was not
19 required to provide a driver license number or the
20 last four digits of the voter's Social Security number
21 at the time of registration, and
- 22 e. the provisional ballot meets the eligibility
23 requirements set forth in Section 7-116.1 of this
24 title.

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

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

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

20 E. An individual may provide proof of United States citizenship
21 prior to any election when registering to vote or in person at the
22 State Election Board or appropriate county election board.
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SECTION 3. This act shall become effective January 1, 2022.

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