

1 STATE OF OKLAHOMA

2 2nd Session of the 58th Legislature (2022)

3 COMMITTEE SUBSTITUTE
4 FOR ENGROSSED
5 HOUSE BILL NO. 3365

By: Roberts (Eric) and McDugle
of the House

6 and

7 Haste of the Senate

8
9 COMMITTEE SUBSTITUTE

10 [elections - voter registration - effective dates]

11
12 BE IT ENACTED BY THE PEOPLE OF THE STATE OF OKLAHOMA:

13 SECTION 1. AMENDATORY 26 O.S. 2021, Section 4-113, is
14 amended to read as follows:

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

20 B. When a person registers to vote or changes his or her
21 registration in any manner to require a new voter identification
22 card, or upon the eighteenth birthday of a person who has submitted
23 a voter registration application pursuant to the provisions of
24 subsection B of Section 4-103 of this title, the county election

1 board secretary in the county of the voter's residence shall
2 transmit the new voter identification card as acknowledgment of the
3 transaction which may be the notice required in Section 4-103.1 of
4 this title. New voter identification cards shall be mailed to the
5 physical address of the voter if such address is valid to receive
6 mail delivery. A valid address is one that follows the correct
7 standards and formatting of the United States Postal Service. A
8 valid address shall have a street name, street number, city, state,
9 and ZIP code. An invalid address is one that has a directional
10 address or unknown structure under standards of the United States
11 Postal Service or is otherwise not eligible to receive mail delivery
12 from the United States Postal Service. If the applicant's address
13 of residence is not a valid address for mail delivery, the voter
14 identification card shall be transmitted to the mailing address
15 provided by the applicant on his or her voter registration
16 application.

17 SECTION 2. AMENDATORY 26 O.S. 2021, Section 4-118, is
18 amended to read as follows:

19 Section 4-118. Any registered voter who changes his or her
20 residence to another county may apply for registration as an initial
21 registrant in such other county. Such person shall indicate his or
22 her prior registration information, including name, residence
23 address and county and political affiliation, as appropriate, on the
24 voter registration application. The secretary of the election board

1 of the second county shall immediately notify the Secretary of the
2 State Election Board of such transaction. Any change in political
3 affiliation shall be subject to the requirements of Section 4-119 of
4 this title.

5 SECTION 3. AMENDATORY 26 O.S. 2021, Section 4-120, is
6 amended to read as follows:

7 Section 4-120. A. The registration of any registered voter ~~may~~
8 shall be cancelled only for one of the following reasons:

9 1. Written notice from the voter pursuant to Section 4-120.1 of
10 this title; ~~death; conviction~~

11 2. Death;

12 3. Conviction of a felony; ~~judicial~~

13 4. Judicial determination of mental incapacitation under Title
14 30 of the Oklahoma Statutes; ~~registration~~

15 5. Registration in another county or state; ~~or failure~~

16 6. Failure to respond to a confirmation of address mailing and
17 failure to vote as prescribed in Section ~~21~~ 4-120.2 of this ~~act~~
18 title; or

19 7. The surrendering of the voter's Oklahoma driver license to
20 the Department of Public Safety upon being issued a driver license
21 in another state.

22 B. For purposes of this section, paragraphs 5 and 7 of
23 subsection A of this section shall constitute confirmation from the
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1 voter to cancel his or her voter registration due to a change of
2 residence.

3 C. A list of voter registrations that were cancelled during the
4 previous twenty-four (24) months, and the reason for the
5 cancellation, shall be made available to the public.

6 SECTION 4. AMENDATORY 26 O.S. 2021, Section 4-120.2, is
7 amended to read as follows:

8 Section 4-120.2. A. No later than June 1 of each odd-numbered
9 year, any voter identified within the previous twenty-four (24)
10 months as subject to the provisions of this subsection shall be sent
11 an address confirmation mailing prescribed by the Secretary of the
12 State Election Board and paid for by the state. The following shall
13 be subject to the provisions of this subsection:

14 1. Any voter for whom a first-class mailing from the county
15 election board or the State Election Board was returned;

16 2. Any voter identified by the Secretary of the State Election
17 Board as a potential duplicate voter in another county in this state
18 or in another state;

19 ~~3. Any voter who has surrendered his or her Oklahoma driver~~
20 ~~license to the Department of Public Safety upon being issued a~~
21 ~~driver license in another state;~~

22 4. Any voter identified in subsection C of Section 4-118.1 of
23 this title who has not updated his or her voter registration;

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1 ~~5.~~ 4. Any registered voter identified in subsection F of
2 Section 4-120.3 of this title whose voter registration has not been
3 canceled;

4 ~~6.~~ 5. Any active registered voter who did not vote in the
5 second previous general election or any election conducted by a
6 county election board since the second previous general election and
7 who has initiated no voter registration change; ~~and~~

8 ~~7.~~ 6. Any registered voter who was sent a notice and
9 application to update a voter registration address as required by
10 subsection B of Section 4-109.3 of this title, but whose voter
11 registration address has not been updated or canceled; and

12 7. Any voter who is registered to vote and has the same address
13 of residence as five or more other registered voters. "Same address
14 of residence" means the same street name, same street direction,
15 same street type, same street post direction, same street number,
16 same building or apartment number, and same ZIP code.

17 Voters who do not respond to the confirmation mailing or whose
18 mailing is returned as nonforwardable or undeliverable as addressed
19 shall be designated as inactive sixty (60) days after the mailing.

20 B. An inactive voter's status shall be changed to active under
21 the following conditions:

- 22 1. With any registration change initiated by the voter; or
- 23 2. By voting in any election conducted by a county election
24 board.

1 An inactive voter who does not vote in any election conducted by
2 a county election board during the period beginning on the date of
3 the confirmation mailing and ending on the day after the date of the
4 second successive general election for federal office shall be
5 removed as a registered voter and all the information on that voter
6 shall be destroyed. Each county election board secretary shall
7 maintain a list of the names and addresses of all persons sent a
8 confirmation mailing as described in this section and information on
9 whether ~~or not~~ each such person has responded to the notice. The
10 list shall be maintained for twenty-four (24) months following the
11 date of the second successive federal general election after the
12 date of the confirmation mailing.

13 C. The secretary of each county election board shall cause all
14 inactive voters in a precinct to be identified on the precinct
15 registry.

16 D. No later than June 1 of each odd-numbered year, the
17 Secretary of the State Election Board shall identify duplicate voter
18 registrations in the state and shall direct appropriate county
19 election board secretaries to cancel the voter registration of all
20 but the latest registration of duplicate voter registrations. Each
21 county election board secretary shall maintain for twenty-four (24)
22 months a list of the names and addresses of all canceled duplicate
23 voter registrations. For the purposes of this subsection, duplicate
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1 voter registrations are those registrations which contain the
2 following identical information on more than one registration:

- 3 1. First name, middle name or initial, last name, and date of
4 birth;
- 5 2. Driver license number and date of birth; or
- 6 3. Last name, date of birth, and the last four digits of the
7 Social Security number.

8 SECTION 5. AMENDATORY 26 O.S. 2021, Section 4-120.3, is
9 amended to read as follows:

10 Section 4-120.3. A. The State Department of Health shall each
11 month transmit to the Secretary of the State Election Board a
12 certified list of all deaths of residents that have occurred within
13 the state for the immediately preceding month to include only the
14 personal identifiers needed to compare such information against the
15 state's voter registration database including but not limited to the
16 decedent's name, date of death, and date of birth. The list shall
17 include the last four digits of the decedent's Social Security
18 number and driver license number or state identification card number
19 for each decedent if such information was provided to the State
20 Department of Health. The Secretary of the State Election Board
21 shall transmit such list to the secretary of the county election
22 board who shall then use the list to ascertain those voters who are
23 deceased, and shall remove such deceased person's name from the
24 central registry and voter registration database within thirty (30)

1 days from the date the list was received by the county election
2 board. Such list shall be used only for the purposes ~~hereinbefore~~
3 described in this subsection. The State Election Board and county
4 election boards shall not release information, data, or records
5 received from the State Department of Health for the purpose of
6 identifying deceased voters in response to an Oklahoma Open Records
7 Act request and shall protect the integrity of the vital records
8 data to the extent required of the State Department of Health by
9 Section 1-323 of Title 63 of the Oklahoma Statutes.

10 B. The registration of a deceased voter ~~may~~ shall be canceled
11 by the secretary of a county election board upon the receipt of a
12 certified copy of a death certificate from any person or upon the
13 execution by the next of kin of such deceased voter of a form and
14 upon the nature of proof of the fact thereof as prescribed by the
15 Secretary of the State Election Board. Such form must be executed
16 in person by the deceased voter's next of kin at the county election
17 board office, in which case it shall be witnessed by the secretary
18 or other designated employees, at the deceased voter's precinct
19 polling place or at the next of kin's precinct polling place in the
20 same county on the day of any election, in which case it shall be
21 witnessed by the inspector of such precinct, or the form may be
22 personally signed by the next of kin, such signature to be notarized
23 by a notary public or witnessed by two persons whose signatures and
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1 addresses shall appear on the form, and returned to the county
2 election board.

3 C. The administrator of a nursing facility, as defined in
4 Section 1-1902 of Title 63 of the Oklahoma Statutes, or the
5 administrator of a veterans center established pursuant to Title 72
6 of the Oklahoma Statutes, also may execute a form prescribed by the
7 Secretary of the State Election Board to notify the secretary of the
8 county election board of the death of a nursing facility resident
9 who is a registered voter. The administrator's signature on such
10 form shall be witnessed by a member of the nursing home absentee
11 voting board, shall be notarized or shall be witnessed by two
12 persons whose signatures and addresses shall appear on the form.

13 D. A funeral director, as defined in Section 396.2 of Title 59
14 of the Oklahoma Statutes, may execute a form prescribed by the
15 Secretary of the State Election Board to notify the secretary of the
16 county election board of the death of a resident of the county. The
17 funeral director's signature on such form either shall be notarized
18 or shall be witnessed by two persons whose signatures and addresses
19 shall appear on the form. Upon receipt of such form or any notice
20 setting forth substantially the same facts and witnessed or
21 notarized as provided in this section, the secretary of the county
22 election board shall be authorized to cancel the voter registration
23 of such deceased person.

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1 E. The registration of a deceased voter who was a member of the
2 Oklahoma National Guard or the ~~armed forces~~ Armed Forces of the
3 United States and who died in the line of duty may be canceled by
4 the secretary of a county election board upon the receipt of
5 notification of the voter's death from the Oklahoma National Guard
6 or the ~~armed forces~~ Armed Forces of the United States. The
7 Secretary of the State Election Board may prescribe the forms of
8 such notification to be accepted by the county election board in
9 order to cause the registration of the voter to be canceled. The
10 Secretary shall further request the Oklahoma National Guard and the
11 ~~armed forces~~ Armed Forces of the United States to provide
12 notifications to the county election board as provided for in this
13 section.

14 F. The Secretary of the State Election Board is authorized to
15 obtain official death records from the Social Security
16 Administration and from other states. The Secretary of the State
17 Election Board may compare such death records against the state's
18 voter registration database. Any possible match of a death record
19 to a registered voter shall be transmitted to the secretary of the
20 county election board in the county in which the voter is
21 registered. The secretary of the county election board shall
22 ascertain any voter who is deceased, and shall remove such deceased
23 person's name from the central registry and voter registration
24 database.

1 SECTION 6. AMENDATORY 26 O.S. 2021, Section 7-103.2, is
2 amended to read as follows:

3 Section 7-103.2. County election boards shall maintain a
4 current list of all registered voters in each precinct, which will
5 reflect the address and party affiliation of each voter. ~~Said~~ The
6 list shall be public information. The publicly available voter list
7 shall note any voter for whom a first-class mailing from the county
8 election board or the State Election Board was returned
9 undeliverable.

10 SECTION 7. AMENDATORY 26 O.S. 2021, Section 7-115.1, is
11 amended to read as follows:

12 Section 7-115.1. Before being issued a ballot, ~~an inactive~~
13 ~~voter or a voter identified by the Secretary of the State Election~~
14 ~~Board as possibly having changed his or her address of residence~~
15 ~~based on National Change of Address data, who appears to vote during~~
16 ~~in-person absentee voting or at the voter's precinct, shall be~~
17 ~~required to complete an address confirmation form prescribed by the~~
18 ~~Secretary of the State Election Board~~ during in-person absentee
19 voting or at the voter's precinct or when applying for an absentee
20 ballot, the following voters shall be required to complete an
21 address confirmation form prescribed by the Secretary of the State
22 Election Board:

23 1. An inactive voter;
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1 2. A voter identified by the Secretary of the State Election
2 Board as possibly having changed his or her residence based on
3 National Change of Address data;

4 3. A voter with an invalid address as defined in subsection B
5 of Section 4-113 of this title or who has had a voter identification
6 card returned to the county election board by the United States
7 Postal Service as undeliverable.

8 SECTION 8. Sections 1, 3, 4, 5, 6, and 7 of this act shall
9 become effective January 1, 2023.

10 SECTION 9. Section 2 of this act shall become effective July 1,
11 2023.

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