

1 STATE OF OKLAHOMA

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

3 COMMITTEE SUBSTITUTE
4 FOR

5 HOUSE BILL NO. 3365

6 By: Roberts (Eric)

7
8 COMMITTEE SUBSTITUTE

9 An Act relating to elections; amending 26 O.S. 2021,
10 Sections 4-113, 4-118, 4-120, 4-120.2, 4-120.3, 7-
11 103.2, and 7-115.1, which relate to voter
12 registration; requiring voter identification cards to
13 be mailed to certain address; prohibiting change in
14 political affiliation for certain time when changing
15 residence; adding reason for cancellation of
16 registration; providing for written notice; removing
17 provision for inactive voters; modifying address
18 confirmation mailing process; modifying cancellation
19 of registration for deceased voters; requiring
20 funeral directors to execute certain form; making
21 certain information publicly available; modifying
22 persons required to complete address correction form;
23 providing an effective date; and declaring an
24 emergency.

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

SECTION 1. AMENDATORY 26 O.S. 2021, 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. The voter

1 identification card shall contain such information as is necessary
2 to determine a registered voter's eligibility.

3 B. When a person registers to vote or changes his or her
4 registration in any manner to require a new voter identification
5 card, or upon the eighteenth birthday of a person who has submitted
6 a voter registration application pursuant to the provisions of
7 subsection B of Section 4-103 of this title, the county election
8 board secretary in the county of the voter's residence shall
9 transmit the new voter identification card as acknowledgment of the
10 transaction which may be the notice required in Section 4-103.1 of
11 this title. New voter identification cards shall be mailed to the
12 physical address of the voter if such address is valid to receive
13 mail delivery. A valid address is one that follows the correct
14 standards and formatting of the United States Postal Service. A
15 valid address shall have a street name, street number, city, state,
16 and ZIP code. An invalid address is one that has a directional
17 address or unknown structure under standards of the United States
18 Postal Service. If the applicant's address of residence is not a
19 valid address for mail delivery, then the voter identification card
20 shall be transmitted to the mailing address provided by the
21 applicant on his or her voter registration application.

22 SECTION 2. AMENDATORY 26 O.S. 2021, Section 4-118, is
23 amended to read as follows:
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1 Section 4-118. Any registered voter who changes his or her
2 residence to another county may apply for registration as an initial
3 registrant in such other county. Such person shall indicate his or
4 her prior registration information, including name, residence
5 address and county and political affiliation, as appropriate, on the
6 voter registration application. The secretary of the election board
7 of the second county shall immediately notify the Secretary of the
8 State Election Board of such transaction. Any change in political
9 affiliation shall be subject to Section 4-119 of this title.

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

12 Section 4-120. A. The registration of any registered voter ~~may~~
13 shall be canceled only for one of the following reasons:

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

16 2. Death;

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

18 4. Judicial determination of mental incapacitation under Title
19 30 of the Oklahoma Statutes; ~~registration~~

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

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

24

1 7. The surrendering of the voter's Oklahoma driver license to
2 the Department of Public Safety upon being issued a driver license
3 in another state.

4 B. For purposes of this section, paragraphs 5 and 7 of
5 subsection A of this section shall constitute written notice by the
6 voter to cancel the voter registration.

7 C. A list of voter registrations that were canceled during the
8 previous twenty-four (24) months, and the reason for the
9 cancellation, shall be made available to the public.

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

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

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

20 2. Any voter identified by the Secretary of the State Election
21 Board as a potential duplicate voter in another county in this state
22 or in another state;

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

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

6 5. 4. Any registered voter identified in subsection F of
7 Section 4-120.3 of this title whose voter registration has not been
8 canceled;

9 6. 5. Any active registered voter who did not vote in the
10 second previous general election or any election conducted by a
11 county election board since the second previous general election and
12 who has initiated no voter registration change; ~~and~~

13 7. 6. Any registered voter who was sent a notice and
14 application to update a voter registration address as required by
15 subsection B of Section 4-109.3 of this title, but whose voter
16 registration address has not been updated or canceled; and

17 7. Any voter who is registered to vote and has the same address
18 of residence as five or more other registered voters. "Same address
19 of residence" means the same street name, same street direction,
20 same street type, same street post direction, same street number,
21 same building or apartment number, and same ZIP code.

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

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

- 3 1. With any registration change initiated by the voter; or
- 4 2. By voting in any election conducted by a county election
5 board.

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

18 C. The secretary of each county election board shall cause all
19 inactive voters in a precinct to be identified on the precinct
20 registry.

21 D. No later than June 1 of each odd-numbered year, the
22 Secretary of the State Election Board shall identify duplicate voter
23 registrations in the state and shall direct appropriate county
24 election board secretaries to cancel the voter registration of all

1 but the latest registration of duplicate voter registrations. Each
2 county election board secretary shall maintain for twenty-four (24)
3 months a list of the names and addresses of all canceled duplicate
4 voter registrations. For the purposes of this subsection, duplicate
5 voter registrations are those registrations which contain the
6 following identical information on more than one registration:

7 1. First name, middle name or initial, last name, and date of
8 birth;

9 2. Driver license number and date of birth; or

10 3. Last name, date of birth, and the last four digits of the
11 Social Security number.

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

14 Section 4-120.3 A. The State Department of Health shall each
15 month transmit to the Secretary of the State Election Board a
16 certified list of all deaths of residents that have occurred within
17 the state for the immediately preceding month to include only the
18 personal identifiers needed to link the files, including but not
19 limited to the decedent's name, date of death, and date of birth.

20 The list shall include the last four digits of the decedent's Social
21 Security number and driver license number or state identification
22 card number for each decedent if such information was present on the
23 death certificate. The State Election Board shall not release
24 information, data, or records received from the State Department of

1 Health for the purpose of identifying deceased voters in response to
2 an Open Records Act request and shall protect the integrity of the
3 vital records data to the extent required of the State Department of
4 Health by Section 1-323 of Title 63 of the Oklahoma Statutes. The
5 Secretary of the State Election Board shall transmit such list to
6 the secretary of the county election board who shall then use the
7 list to ascertain those voters who are deceased, and shall remove
8 such deceased person's name from the central registry and voter
9 registration database within thirty (30) days from the date the list
10 was received by the county election board. Such list shall be used
11 only for the purposes hereinbefore described.

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

1 by a notary public or witnessed by two persons whose signatures and
2 addresses shall appear on the form, and returned to the county
3 election board.

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

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

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

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

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

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

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

22 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 incomplete or invalid address or who has had
5 a voter identification card returned to the county election board by
6 the United States Postal Service as undeliverable.

7 SECTION 8. This act shall become effective July 1, 2022.

8 SECTION 9. It being immediately necessary for the preservation
9 of the public peace, health or safety, an emergency is hereby
10 declared to exist, by reason whereof this act shall take effect and
11 be in full force from and after its passage and approval.

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13 58-2-10832 LRB 03/01/22