

1 STATE OF OKLAHOMA

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

3 COMMITTEE SUBSTITUTE  
4 FOR ENGROSSED  
5 HOUSE BILL 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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