

An Act

ENROLLED HOUSE
BILL NO. 3365

By: Roberts (Eric) and McDugle
of the House

and

Haste of the Senate

An Act relating to elections; amending 26 O.S. 2021, Sections 4-113, 4-118, 4-120, 4-120.2, 4-120.3, as amended by Section 1 of Enrolled Senate Bill No. 1814 of the 2nd Session of the 58th Oklahoma Legislature, 7-103.2, as amended by Section 1 of Enrolled House Bill No. 2976 of the 2nd Session of the 58th Oklahoma Legislature and 7-115.1, which relate to voter registration; establishing requirements for mailing of new voter identification cards; establishing requirements for invalid and valid mailing addresses; clarifying applicable procedures for change in political affiliation; requiring cancellation of voter registration under specified circumstances; requiring certain list be available to the public; modifying voters required to be sent an address confirmation mailing; modifying required contents of certain list; prohibiting release of certain information; modifying required contents of certain list maintained by county election boards; requiring completion of address confirmation form by certain voters; updating statutory language; and providing effective dates.

SUBJECT: Elections

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

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

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

Section 4-118. Any registered voter who changes his or her residence to another county may apply for registration as an initial registrant in such other county. Such person shall indicate his or her prior registration information, including name, residence address and county and political affiliation, as appropriate, on the voter registration application. The secretary of the election board of the second county shall immediately notify the Secretary of the State Election Board of such transaction. Any change in political affiliation shall be subject to the requirements of Section 4-119 of this title.

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

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

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

2. Death;

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

1. With any registration change initiated by the voter; or

2. By voting in any election conducted by a county election board.

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

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

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

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

SECTION 5. AMENDATORY 26 O.S. 2021, Section 4-120.3, as amended by Section 1 of Enrolled Senate Bill No. 1814 of the 2nd Session of the 58th Oklahoma Legislature, is amended to read as follows:

Section 4-120.3 A. The State Department of Health shall each month transmit to the Secretary of the State Election Board a certified list of all deaths of residents that have occurred within the state for the immediately preceding month to include only the

personal identifiers needed to compare such information against the state's voter registration database including, but not limited to, the decedent's name, date of death, and date of birth. The list shall include the last four digits of the decedent's Social Security number and driver license number or state identification card number for each decedent if such information was provided to the State Department of Health. The Secretary of the State Election Board shall transmit such list to the secretary of the county election board who shall then use the list to ascertain those voters who are deceased, and shall remove such deceased person's name from the central registry and voter registration database within thirty (30) days from the date the list was received by the county election board. Such list shall be used only for the purposes hereinbefore described in this subsection. The State Election Board and county election boards shall not release information, data, or records received from the State Department of Health for the purpose of identifying deceased voters in response to an Oklahoma Open Records Act request and shall protect the integrity of the vital records data to the extent required of the State Department of Health by Section 1-323 of Title 63 of the Oklahoma Statutes.

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

C. The administrator of a nursing facility, as defined in Section 1-1902 of Title 63 of the Oklahoma Statutes, or the administrator of a State Veterans Home established pursuant to Title 72 of the Oklahoma Statutes, also may execute a form prescribed by the Secretary of the State Election Board to notify the secretary of the county election board of the death of a nursing facility resident who is a registered voter. The administrator's signature

on such form shall be witnessed by a member of the nursing home absentee voting board, shall be notarized or shall be witnessed by two persons whose signatures and addresses shall appear on the form.

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

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

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

SECTION 6. AMENDATORY 26 O.S. 2021, Section 7-103.2, as amended by Section 1 of Enrolled House Bill No. 2976 of the 2nd Session of the 58th Oklahoma Legislature is amended to read as follows:

Section 7-103.2 County election boards shall maintain a current list of all registered voters in each precinct, which will reflect the address and party affiliation of each voter. The list shall be public information; provided, the list shall only be shared with a court system if that court system agrees to regularly provide the names of persons convicted of a felony in that court system to the Secretary of the State Election Board and the appropriate secretary of a county election board. The publicly available voter list shall note any voter for whom a first-class mailing from the county election board or the State Election Board was returned undeliverable.

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

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

1. An inactive voter;
2. A voter identified by the Secretary of the State Election Board as possibly having changed his or her residence based on National Change of Address data;
3. A voter with an invalid address as defined in subsection B of Section 4-113 of this title or who has had a voter identification card returned to the county election board by the United States Postal Service as undeliverable.

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

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

Passed the House of Representatives the 16th day of May, 2022.

Presiding Officer of the House
of Representatives

Passed the Senate the 28th day of April, 2022.

Presiding Officer of the Senate

OFFICE OF THE GOVERNOR

Received by the Office of the Governor this _____

day of _____, 20_____, at _____ o'clock _____ M.

By: _____

Approved by the Governor of the State of Oklahoma this _____

day of _____, 20_____, at _____ o'clock _____ M.

Governor of the State of Oklahoma

OFFICE OF THE SECRETARY OF STATE

Received by the Office of the Secretary of State this _____

day of _____, 20_____, at _____ o'clock _____ M.

By: _____