

1                   **HOUSE OF REPRESENTATIVES - FLOOR VERSION**

2                                   STATE OF OKLAHOMA

3                                   2nd Session of the 58th Legislature (2022)

4 COMMITTEE SUBSTITUTE  
5 FOR  
6 HOUSE BILL NO. 3365

By: Roberts (Eric) of the House

and

**Haste** of the Senate

7  
8  
9  
10                                   COMMITTEE SUBSTITUTE

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

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

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

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

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

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

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

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

18 2. Death;

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

20 4. Judicial determination of mental incapacitation under Title  
21 30 of the Oklahoma Statutes; ~~registration~~

22 5. Registration in another county or state; ~~or failure~~  
23  
24

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

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

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

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

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

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

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

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

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

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

9           ~~5.~~ 4. Any registered voter identified in subsection F of  
10 Section 4-120.3 of this title whose voter registration has not been  
11 canceled;

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

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

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

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

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

- 6 1. With any registration change initiated by the voter; or
- 7 2. By voting in any election conducted by a county election  
8 board.

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

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

24

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

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

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

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

1 Security number and driver license number or state identification  
2 card number for each decedent if such information was present on the  
3 death certificate. The State Election Board shall not release  
4 information, data, or records received from the State Department of  
5 Health for the purpose of identifying deceased voters in response to  
6 an Open Records Act request and shall protect the integrity of the  
7 vital records data to the extent required of the State Department of  
8 Health by Section 1-323 of Title 63 of the Oklahoma Statutes. The  
9 Secretary of the State Election Board shall transmit such list to  
10 the secretary of the county election board who shall then use the  
11 list to ascertain those voters who are deceased, and shall remove  
12 such deceased person's name from the central registry and voter  
13 registration database within thirty (30) days from the date the list  
14 was received by the county election board. Such list shall be used  
15 only for the purposes hereinbefore described.

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



1 polling place or at the next of kin's precinct polling place in the  
2 same county on the day of any election, in which case it shall be  
3 witnessed by the inspector of such precinct, or the form may be  
4 personally signed by the next of kin, such signature to be notarized  
5 by a notary public or witnessed by two persons whose signatures and  
6 addresses shall appear on the form, and returned to the county  
7 election board.

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

18 D. A funeral director, as defined in Section 396.2 of Title 59  
19 of the Oklahoma Statutes, ~~may~~ shall execute a form prescribed by the  
20 Secretary of the State Election Board to notify the secretary of the  
21 county election board of the death of a resident of the county. The  
22 funeral director's signature on such form either shall be notarized  
23 or shall be witnessed by two persons whose signatures and addresses  
24 shall appear on the form. Upon receipt of such form or any notice

1 setting forth substantially the same facts and witnessed or  
2 notarized as provided in this section, the secretary of the county  
3 election board shall be authorized to cancel the voter registration  
4 of such deceased person.

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

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

1 ascertain any voter who is deceased, and shall remove such deceased  
2 person's name from the central registry and voter registration  
3 database.

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

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

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

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

1        1. An inactive voter;

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

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

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

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

13  
14 COMMITTEE REPORT BY: COMMITTEE ON ELECTIONS AND ETHICS, dated  
15 03/02/2022 - DO PASS, As Amended and Coauthored.