

1 **SENATE FLOOR VERSION**

2 April 6, 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 [elections - voter registration - effective dates]

10
11 BE IT ENACTED BY THE PEOPLE OF THE STATE OF OKLAHOMA:

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

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

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

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

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

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

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

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

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

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

10 2. Death;

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

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

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

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

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

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

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

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

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

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

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

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

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

22 ~~5.~~ 4. Any registered voter identified in subsection F of
23 Section 4-120.3 of this title whose voter registration has not been
24 canceled;

1 ~~6.~~ 5. Any active registered voter who did not vote in the
2 second previous general election or any election conducted by a
3 county election board since the second previous general election and
4 who has initiated no voter registration change; ~~and~~

5 ~~7.~~ 6. Any registered voter who was sent a notice and
6 application to update a voter registration address as required by
7 subsection B of Section 4-109.3 of this title, but whose voter
8 registration address has not been updated or canceled; and

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

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

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

- 19 1. With any registration change initiated by the voter; or
20 2. By voting in any election conducted by a county election
21 board.

22 An inactive voter who does not vote in any election conducted by
23 a county election board during the period beginning on the date of
24 the confirmation mailing and ending on the day after the date of the

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

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

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

23 1. First name, middle name or initial, last name, and date of
24 birth;

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

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

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

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

1 received from the State Department of Health for the purpose of
2 identifying deceased voters in response to an Oklahoma Open Records
3 Act request and shall protect the integrity of the vital records
4 data to the extent required of the State Department of Health by
5 Section 1-323 of Title 63 of the Oklahoma Statutes.

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

22 C. The administrator of a nursing facility, as defined in
23 Section 1-1902 of Title 63 of the Oklahoma Statutes, or the
24 administrator of a veterans center established pursuant to Title 72

1 of the Oklahoma Statutes, also may execute a form prescribed by the
2 Secretary of the State Election Board to notify the secretary of the
3 county election board of the death of a nursing facility resident
4 who is a registered voter. The administrator's signature on such
5 form shall be witnessed by a member of the nursing home absentee
6 voting board, shall be notarized or shall be witnessed by two
7 persons whose signatures and addresses shall appear on the form.

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

19 E. The registration of a deceased voter who was a member of the
20 Oklahoma National Guard or the ~~armed forces~~ Armed Forces of the
21 United States and who died in the line of duty may be canceled by
22 the secretary of a county election board upon the receipt of
23 notification of the voter's death from the Oklahoma National Guard
24 or the ~~armed forces~~ Armed Forces of the United States. The

1 Secretary of the State Election Board may prescribe the forms of
2 such notification to be accepted by the county election board in
3 order to cause the registration of the voter to be canceled. The
4 Secretary shall further request the Oklahoma National Guard and the
5 ~~armed forces~~ Armed Forces of the United States to provide
6 notifications to the county election board as provided for in this
7 section.

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

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

21 Section 7-103.2. County election boards shall maintain a
22 current list of all registered voters in each precinct, which will
23 reflect the address and party affiliation of each voter. ~~Said~~ The
24 list shall be public information. The publicly available voter list

1 shall note any voter for whom a first-class mailing from the county
2 election board or the State Election Board was returned
3 undeliverable.

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

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

17 1. An inactive voter;

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

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

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

3 SECTION 9. Section 2 of this act shall become effective July 1,
4 2023.

5 COMMITTEE REPORT BY: COMMITTEE ON RULES
6 April 6, 2022 - DO PASS AS AMENDED
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