

1 STATE OF OKLAHOMA

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

3 HOUSE BILL 3365

By: Roberts (Eric)

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5
6 AS INTRODUCED

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

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

24 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.

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

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

22 Section 4-118. Any registered voter who changes his or her
23 residence to another county may apply for registration as an initial
24 registrant in such other county. Such person shall indicate his or

1 her prior registration information, including name, residence
2 address and county and political affiliation, as appropriate, on the
3 voter registration application. The secretary of the election board
4 of the second county shall immediately notify the Secretary of the
5 State Election Board of such transaction. Any change in political
6 affiliation shall be subject to Section 4-119 of this title.

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

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

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

13 2. Death;

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

15 4. Judicial determination of mental incapacitation under Title
16 30 of the Oklahoma Statutes; ~~registration~~

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

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

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

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

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

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

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

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

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

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

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

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 and include the date
14 of birth, last four digits of the Social Security number, and driver
15 license or state identification number for each resident. The
16 Secretary of the State Election Board shall transmit such list to
17 the secretary of the county election board who shall then use the
18 list to ascertain those voters who are deceased, and shall remove
19 such deceased person's name from the central registry and voter
20 registration database within thirty (30) days from the date the list
21 was received by the county election board. Such list shall be used
22 only for the purposes hereinbefore described.

23 B. The registration of a deceased voter ~~may~~ shall be canceled
24 by the secretary of a county election board upon the receipt of a

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

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

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

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

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

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

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

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

22 Section 7-115.1 Before being issued a ballot, ~~an inactive voter~~
23 ~~or a voter identified by the Secretary of the State Election Board~~
24 ~~as possibly having changed his or her address of residence based on~~

1 ~~National Change of Address data, who appears to vote during in-~~
2 ~~person absentee voting or at the voter's precinct, shall be required~~
3 ~~to complete an address confirmation form prescribed by the Secretary~~
4 ~~of the State Election Board~~ during in-person absentee voting or at
5 the voter's precinct or when applying for an absentee ballot, the
6 following voters shall be required to complete an address
7 confirmation form prescribed by the Secretary of the State Election
8 Board:

- 9 1. An inactive voter;
10 2. A voter identified by the Secretary of the State Election
11 Board as possibly having changed his or her residence based on
12 National Change of Address data;
13 3. A voter with an incomplete or invalid address or who has had
14 a voter identification card returned to the county election board by
15 the United States Postal Service as undeliverable.

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

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

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