

1 STATE OF OKLAHOMA

2 1st Session of the 59th Legislature (2023)

3 SENATE BILL 1009

By: Dahm

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5  
6 AS INTRODUCED

7 An Act relating to conduct of elections; amending 26  
8 O.S. 2021, Section 7-114, which relates to procedure  
9 for determining eligibility; requiring proof of  
10 identity for certain purpose to include a photograph;  
11 and providing an effective date.

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

13 SECTION 1. AMENDATORY 26 O.S. 2021, Section 7-114, is  
14 amended to read as follows:

15 Section 7-114. A. Each person appearing to vote shall announce  
16 that person's name to the judge of the precinct and shall provide  
17 proof of identity, whereupon the judge shall determine whether the  
18 person's name is in the precinct registry. As used in this section,  
19 "proof of identity" shall mean a document that satisfies all of the  
20 following:

21 1. The document shows the name of the person to whom the  
22 document was issued, and the name substantially conforms to the name  
23 in the precinct registry;

1           2. The document shows a photograph of the person to whom the  
2 document was issued;

3           3. The document includes an expiration date, which is after the  
4 date of the election in which the person is appearing to vote. The  
5 provisions of this paragraph shall not apply to:

- 6           a. an identification card that is valid indefinitely, or
- 7           b. an identification card issued by a branch of the armed  
8           services of the United States to a person who is a  
9           member of such branch or is retired therefrom; and

10          4. The document was issued by the United States, the State of  
11 Oklahoma or the government of a federally recognized Indian tribe or  
12 nation.

13          Provided, if the person presents a voter identification card  
14 issued by the appropriate county election board, such card may serve  
15 as proof of identity without meeting the requirements of ~~paragraphs~~  
16 ~~2 and~~ paragraph 3 of this subsection.

17          B. 1. If a person declines to or is unable to produce proof of  
18 identity, the person may sign a statement under oath, in a form  
19 approved by the Secretary of the State Election Board, swearing or  
20 affirming that the person is the person identified on the precinct  
21 registry, and shall be allowed to cast a provisional ballot in a  
22 manner consistent with the provisions of Section 7-116.1 of this  
23 title.

1           2. A provisional ballot cast by a voter who declines or is  
2 unable to produce proof of identity shall only be considered  
3 verified and approved for counting if:

4           a. the voter's name on the affidavit substantially  
5 conforms to the voter's name in the voter registration  
6 database, except as provided in paragraph 3 of this  
7 subsection,

8           b. the voter's residence address on the affidavit  
9 substantially conforms to the voter's residence  
10 address in the voter registration database, except as  
11 provided in paragraph 4 of this subsection,

12           c. the voter's date of birth matches the information in  
13 the voter registration database,

14           d. the voter's Oklahoma driver license number or the last  
15 four digits of the voter's Social Security number on  
16 the affidavit matches the information in the voter  
17 registration database. The provisions of this  
18 subparagraph shall not apply if the voter was not  
19 required to provide a driver license number or the  
20 last four digits of the voter's Social Security number  
21 at the time of registration, and

22           e. the provisional ballot meets the eligibility  
23 requirements set forth in Section 7-116.1 of this  
24 title.

1           3. A voter casting a provisional ballot as provided in this  
2 section who has legally changed his or her name, but has not updated  
3 the name on the voter registry, may note this fact on the affidavit  
4 and submit a form prescribed by the Secretary of the State Election  
5 Board to update his or her name. In such a case, and where the  
6 requirements of Section 4-117 of this title are satisfied, the  
7 provisional ballot shall be deemed to meet the requirements of  
8 subparagraph a of paragraph 2 of this subsection.

9           4. A voter casting a provisional ballot as provided in this  
10 section who has changed his or her address of residence, but has not  
11 updated the address on the voter registry, may note this fact on the  
12 affidavit and submit a form to update the address prescribed by the  
13 Secretary of the State Election Board. In such a case, and where  
14 the requirements of Section 4-117 of this title are satisfied, the  
15 provisional ballot shall be deemed to meet the requirements of  
16 subparagraph a of paragraph 2 of this subsection.

17           5. False swearing or affirming under oath shall be punishable  
18 as a felony as provided in Section 16-103 of this title, and the  
19 penalty shall be distinctly set forth on the face of the statement.

20           SECTION 2. This act shall become effective November 1, 2023.

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