An Act

ENROLLED SENATE
BILL NO. 114

By: Stanislawski and Newberry
of the Senate

and

Walker of the House

An Act relating to elections; authorizing certain state agency to share certain records with State Election Board; specifying duties of Secretary of State Election Board; providing for mailing of certain notices; defining term; amending 26 O.S. 2011, Sections 4-120.2, 4-120.3, as last amended by Section 1, Chapter 213, O.S.L. 2012, and 7-115.1 (26 O.S. Supp. 2014, Section 4-120.3), which relate to voter registration; modifying voters to whom certain confirmation required to be sent; modifying procedures for duplicate voter registrations; authorizing Secretary of State Election Board to obtain certain death records; providing procedures if matched to registered voter; specifying procedures if inactive voter appears to vote; providing for codification; and providing an effective date.

SUBJECT: Elections

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

SECTION 1. NEW LAW A new section of law to be codified in the Oklahoma Statutes as Section 4-118.1 of Title 26, unless there is created a duplication in numbering, reads as follows:

A. Any state agency that purchases, subscribes to, or is an authorized or licensed user of the United States Postal Service's National Change of Address dataset is authorized to share the records from the dataset with the State Election Board.

B. The Secretary of the State Election Board is authorized to utilize records from the United States Postal Service's National Change of Address dataset to determine if a registered voter in the State of Oklahoma has changed his or her address of residence.

C. Subject to available funding, the Secretary of the State Election Board is authorized to mail a notice to any registered voter whose records in the National Change of Address dataset indicate he or she may have changed his or her address of residence. Such notice shall advise the voter of the requirement to be registered at the voter's address of residence, and shall include information and forms necessary to enable the voter to transfer his or her voter registration to a new address of residence.

D. For the purposes of this section, "National Change of Address dataset" shall refer to any dataset of change-of-address records consisting of the names and addresses of individuals, families and businesses who have filed a change-of-address with the United States Postal Service.

SECTION 2. AMENDATORY 26 O.S. 2011, 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 ~~and for~~, any voter identified within the previous twenty-four (24) months~~, any~~ 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~~, any~~;

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~~, any~~;

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 1 of this act who has not updated his or her voter registration;

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

6. 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~~, shall be sent an address confirmation mailing prescribed by the Secretary of the State Election Board and paid for by the state~~.

Voters who do not respond to the confirmation mailing or whose mailing is returned as nonforwardable 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.

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

~~C.~~ 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 ~~or social security~~ number and date of birth; or

3. Last name, date of birth, and the last four digits of the social security number.

SECTION 3. AMENDATORY 26 O.S. 2011, Section 4-120.3, as last amended by Section 1, Chapter 213, O.S.L. 2012 (26 O.S. Supp. 2014, Section 4-120.3), 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. The Secretary of the State Election Board shall transmit such list to the secretary of the county election board who shall then use such list to ascertain those voters who are deceased, and shall thereafter remove such deceased person's name from the central registry and voter registration database. Such list shall be used only for the purposes hereinbefore described.

B. ~~In addition, the~~ The registration of a deceased voter may 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 veterans center 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 4. AMENDATORY 26 O.S. 2011, 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 ~~by the judge~~ to complete an address confirmation form prescribed by the Secretary of the State Election Board.

SECTION 5. This act shall become effective January 1, 2016.

Passed the Senate the 18th day of May, 2015.

Presiding Officer of the Senate

Passed the House of Representatives the 19th day of May, 2015.

Presiding Officer of the House
of Representatives

OFFICE OF THE GOVERNOR

Received by the Office of the Governor this 20th
day of May, 20 15, at 3:00 o'clock P M.
By: Audrey Rockwell

Approved by the Governor of the State of Oklahoma this 4th
day of June, 20 15, at 2:56 o'clock P M.

Governor of the State of Oklahoma

OFFICE OF THE SECRETARY OF STATE

Received by the Office of the Secretary of State this 4th
day of June, 20 15, at 5:19 o'clock P. M.
By: Chris Mauss