An Act

ENROLLED SENATE
BILL NO. 313

By: Holt and Bass of the Senate

and

Banz and Hoskin of the House

An Act relating to electronic voter registration; allowing certain persons to submit voter registration applications electronically; specifying duties and authority of Secretary of State Election Board; requiring establishment of secure website; stating requirements for applicants; providing procedures upon submission of application electronically; providing for signature on application; allowing promulgation of certain rules; amending 26 O.S. 2011, Sections 4-103.1, 4-109.2, 4-109.3, 4-110.1 and 4-112, which relate to voter registration; clarifying references and language; authorizing Secretary to develop certain systems and specifying requirements; providing for codification; and providing an effective date.

SUBJECT: Voter registration procedures

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 4-109.4 of Title 26, unless there is created a duplication in numbering, reads as follows:

A. A person may submit a voter registration application electronically as provided in this section if such person:

1. Has a current and valid Oklahoma driver license or identification card issued by the Department of Public Safety

pursuant to the provisions of Section 6-101 et seq. of Title 47 of the Oklahoma Statutes;

2. Is registering to vote at the address shown on the driver license or identification card; and

3. Is a qualified elector and entitled to become a registered voter as provided by law.

B. The Secretary of the State Election Board, subject to available funding, shall establish a secure website to permit persons described in subsection A of this section to submit voter registration applications electronically. The website must permit such persons to submit an application to register to vote or to update an existing registration. The Secretary may employ security measures he or she deems necessary to ensure the accuracy and integrity of voter registration applications submitted electronically and may establish an initial date on which voter registration applications may be submitted electronically after establishment of the website.

C. 1. The applicant must attest to the truth of the information provided on the application by affirmatively accepting the information as true and correct. Any person who submits false information on an electronic voter registration application shall be deemed guilty of a felony as described in Sections 16-103 and 16-103.1 of Title 26 of the Oklahoma Statutes.

2. The applicant must affirmatively consent to the use of his or her driver license or identification card signature for voter registration purposes.

3. A voter registration application properly submitted electronically shall be considered by the State Election Board in the same manner as a registration application submitted by mail.

D. When an applicant submits a voter registration application electronically, the Secretary shall generate an electronic confirmation on the website that the application has been received, with instructions as to how the applicant may check the status of the application thereafter. In addition, the Secretary shall obtain a digital copy of the applicant's driver license or identification

card from the Department of Public Safety and shall compare the information submitted on the application to the information shown on the digital copy. If the Secretary finds that the application is in compliance with this section and all applicable laws relating to voter registration, the digital signature of the applicant shall be included on the application and the application shall be processed as provided by law. If the Secretary does not so find, the applicant shall be notified that the application has been rejected and the reasons for such rejection.

E. The Secretary shall promulgate rules as may be necessary to implement the provisions of this section.

SECTION 2. AMENDATORY 26 O.S. 2011, Section 4-103.1, is amended to read as follows:

Section 4-103.1. A. A qualified elector may apply to register to vote or update a registration to vote by:

1. Delivering by mail or otherwise a completed voter registration application to the State Election Board or any county election board;

2. Completing a voter registration application in person with any official of an agency described in Section ~~10~~ 4-109.2 of this ~~act~~ title; ~~or~~

3. Completing a voter registration application in person as part of an application for issuance, renewal or change of address for a ~~driver's~~ driver license or issuance of a state identification card issued pursuant to Section 6-105 of Title 47 of the Oklahoma Statutes with a designated representative of the Department of Public Safety; or

4. Completing a voter registration application electronically as provided in Section 1 of this act.

B. The secretary of the county election board for the county of the applicant's residence shall send to each applicant by nonforwardable, first-class United States mail a notice of the disposition of the application. Notice mailing costs shall be paid by the county. Provided, the Secretary of the State Election Board

may authorize such notices to be sent by electronic means for voter registration applications submitted electronically.

SECTION 3. AMENDATORY 26 O.S. 2011, Section 4-109.2, is amended to read as follows:

Section 4-109.2. A. The Secretary of the State Election Board shall designate offices in the state which provide public assistance, and offices in the state that provide state-funded programs primarily engaged in providing services to persons with disabilities as voter registration agencies. The Secretary shall identify certain other agencies of state and local government and, with their agreement, of federal and nongovernmental entities as optional voter registration agencies where voter registration services prescribed by the Secretary shall be available. Recruitment offices of the Armed Forces of the United States and offices of the county election boards shall be voter registration agencies.

B. Each designated voter registration agency shall, with each application for service or assistance and with each recertification, renewal or change of address form relating to the service or assistance of voter registration:

1. Provide a voter registration application which may include all statements and declination form required under the National Voter Registration Act of 1993.

2. Provide to each applicant who does not decline to register to vote the same degree of assistance with regard to the completion of the registration application form as is provided by the office with regard to the completion of its own forms, unless the applicant refuses such assistance.

3. Require each applicant either to complete a voter registration application or to sign a declination form.

C. No information relating to a declination to register to vote in connection with an application made at an office designated a voter registration agency may be used for any purpose other than voter registration.

D. Declination forms signed by each applicant shall be retained by designated voter registration agencies for twenty-four (24) months from the date of the declination.

E. The identity of a voter registration agency through which a particular voter registered may not be disclosed to the public.

F. Optional voter registration agencies where voter registration services prescribed by the Secretary shall be available, shall provide such services during regular business hours of the agency during the time prescribed by law for making such transactions.

G. Voter registration agencies which are not county election boards shall transmit all completed voter registration applications at the close of business each week to the State Election Board in preaddressed, postage prepaid envelopes provided by the State Election Board.

H. The Secretary of the State Election Board is authorized to develop with any agency designated in subsection A of this section a system to electronically transmit voter registration applications from the agency to the State Election Board or county election boards. Such system shall be consistent with the requirements for electronic submission of voter registration applications provided in Section 1 of this act.

SECTION 4. AMENDATORY 26 O.S. 2011, Section 4-109.3, is amended to read as follows:

Section 4-109.3. A. When a qualified elector applies for issuance or renewal of an Oklahoma driver's license, or issuance of a state identification card issued pursuant to Section 6-105 of Title 47 of the Oklahoma Statutes, or for a change of address for ~~driver's~~ driver license purposes, the person shall be asked if he or she wishes to register to vote or to change his or her address for voting purposes. If the person wishes to register to vote or to change his or her address for voting purposes, the person shall be given a voter registration application which should be completed and signed by the applicant and returned to the official of the motor license agency. If the person declines, he or she shall be given a declination statement with the application form prescribed by the

Secretary of the State Election Board which shall be retained by the motor license agency or designated representative of the Department of Public Safety for twenty-four (24) months. All completed voter registration applications shall be transmitted by the motor license agent at the close of business each week to the State Election Board in preaddressed, postage prepaid envelopes provided by the State Election Board. If a person registers or declines to register to vote, the office at which the person submits the voter registration application or the fact that the person declined to register shall remain confidential and will be used only for voter registration purposes.

B. Motor license agents shall receive fifty cents ($0.50) per valid voter registration application or application for change in voter registration taken by themselves and employees of the motor license agent's office taken at the agent's office, payable by the State Election Board.

C. The Oklahoma Tax Commission shall notify the Secretary of the State Election Board of motor license agent appointments. The Oklahoma Department of Public Safety shall notify the Secretary of the State Election Board of motor license agents qualified to issue ~~driver's~~ driver licenses.

D. The Secretary of the State Election Board is authorized to develop with ~~appropriate officials of~~ the Department of Public Safety ~~an experimental process~~ a system to electronically transmit voter registration ~~information~~ applications from ~~one or more~~ motor license agencies to ~~one or more~~ the State Election Board or county election boards. Such system shall be consistent with the requirements for electronic submission of voter registration applications provided in Section 1 of this act.

SECTION 5. AMENDATORY 26 O.S. 2011, Section 4-110.1, is amended to read as follows:

Section 4-110.1. A. Voter registration applications may be submitted at any time. However, completed applications received by the State Election Board, any county election board, any agency designated to accept voter registration applications or any motor license agent as part of a ~~driver's~~ driver license or identification card application twenty-four (24) or fewer days prior to an

election; any mail application postmarked or any electronic application submitted twenty-four (24) or fewer days ~~or less~~ prior to an election or any mail application received without a postmark nineteen (19) or fewer days ~~or less~~ prior to an election shall not be approved for that election if the applicant's residence is located within the geographical boundaries of the entity for which the election is being conducted.

B. No more than seven (7) days after any election, each county election board secretary for the county of the applicant's residence shall ~~mail~~ send a notice of disposition as required in Section 4-103.1 of this title to all persons whose voter registration applications were received twenty-four (24) or fewer days ~~or less~~ prior to the election.

C. Registration for voting purposes occurs when a completed voter registration application is approved by the county election board secretary for the county of the applicant's residence and on the date that the information is entered into the voter registration database for the county of the applicant's residence.

D. Registration for candidate filing or party affiliation purposes occurs at the earliest time the completed voter registration application is received at the State Election Board, any county election board, any agency designated to accept voter registration applications or any Motor License Agent as part of a ~~driver's~~ driver license or identification card application provided that the application subsequently is approved by the secretary of the county election board for the county of the applicant's residence; or, in the case of mail applications, registration for candidate filing or party affiliation purposes shall occur at the time when the completed voter registration application is postmarked provided that the application subsequently is approved by the secretary of the county election board for the county of the applicant's residence; or, in the case of a mail application received without a postmark, registration for candidate filing or party affiliation purposes shall occur at the earliest time when the completed application is received by the State Election Board or any county election board provided that the application is subsequently approved by the secretary of the county election board for the county of the applicant's residence.

SECTION 6. AMENDATORY 26 O.S. 2011, Section 4-112, is amended to read as follows:

Section 4-112. A. The Secretary of the State Election Board shall devise and distribute a registration application form to be used for registering voters. Such registration application shall contain the following information:

1. The applicant's full name and date of birth, county and place of residence, and mailing address pursuant to the provisions of subsection ~~B~~ G of this section; ~~the~~

2. The names of political parties recognized by the laws of the State of Oklahoma with which the applicant may be affiliated; ~~the~~

3. The Oklahoma driver license or identification card number if the applicant has been issued a current and valid driver license or identification card by the Department of Public Safety, or if the applicant does not have a valid Oklahoma driver license or identification card, the last four digits of the voter's social security number; ~~an~~

4. An oath of the eligibility of the applicant to become a registered voter; and ~~such~~

5. Such other information as may be deemed necessary by the Secretary to identify such applicant and to ascertain his or her eligibility.

B. A voter registration application shall be signed by the applicant in writing. The applicant shall personally subscribe his or her name to or make his or her mark on the application, and no agent, representative or employee of the applicant may sign or mark on the applicant's behalf. The signature or mark must be the original, handwritten signature, autograph or mark of the applicant. No facsimile, reproduction, typewritten or other substitute signature, autograph or mark will be valid. Notwithstanding any law to the contrary, the Secretary of the State Election Board shall prescribe procedures to authorize any person incapable of personally making a mark to complete a voter registration application with assistance of an official of any voter registration agency or motor license agency specified in Sections 4-109.2 and 4-109.3 of this

title. Provided, for applications submitted electronically, in lieu of the signature requirements set forth in this subsection, the applicant shall affirmatively consent to the use of his or her driver license or identification card signature as provided in Section 1 of this act.

C. Persons who do not indicate a recognized political party or political organization on their registration application shall be designated as Independents.

D. Any person may apply in writing to the Secretary of the State Election Board for permission to print, copy or otherwise prepare and distribute the registration applications designed by the Secretary of the State Election Board. The Secretary may revoke any such permission at any time.

E. All registration applications shall be distributed to the public at no charge.

F. The Secretary also shall prescribe procedures to accept and use federal registration applications as required by the National Voter Registration Act of 1993.

~~B.~~ G. Applicants for voter registration or for change of voter registration in any way shall provide a residence address and, if different from the residence address, a mailing address. A residence address shall include the street address of the residence, including a full house number, street name or number, apartment or suite number, if applicable, and zip code. If a street address is not available for the residence, applicants shall provide such information as the State Election Board deems necessary for voter registration purposes. A post office box may not be given as a residence address. A mailing address, which shall include the city and zip code, may be the actual emergency notification or 911 address on file in the local community, a rural route and box number, a post office box number or a street address.

SECTION 7. This act shall become effective November 1, 2015.

Passed the Senate the 11th day of March, 2015.

Presiding Officer of the Senate

Passed the House of Representatives the 13th day of April, 2015.

Presiding Officer of the House of Representatives

OFFICE OF THE GOVERNOR

Received by the Office of the Governor this 14th day of April, 2015, at 3:35 o'clock P M.

By: Audrey Rockwell

Approved by the Governor of the State of Oklahoma this 17th day of April, 2015, at 2:58 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 17th day of April, 2015, at 3:38 o'clock P. M.

By: C. Berge