An Act

ENROLLED SENATE
BILL NO. 1016

By: Holt of the Senate

and

Banz of the House

An Act relating to elections; amending 26 O.S. 2011, Sections 4-103.1, 4-109.2 and 4-109.3, as amended by Sections 2, 3 and 4, Chapter 87, O.S.L. 2015, Section 1, Chapter 87, O.S.L. 2015 and 4-112, as amended by Section 6, Chapter 87, O.S.L. 2015 (26 O.S. Supp. 2015, Sections 4-103.1, 4-109.2, 4-109.3, 4-109.4 and 4-112), which relate to voter registration; updating statutory references; modifying consent requirement for electronic voter registration applicant; requiring processing of applications in certain manner; modifying procedures for comparison of information submitted on electronic voter registration application with records of Department of Public Safety; specifying circumstances under which application may not proceed; providing for inclusion of digital image of signature on application; authorizing Secretary of State Election Board to develop alternative method of obtaining signature; requiring notification if application not in compliance; providing for confidentiality of certain records; modifying contents of voter registration application; modifying federal registration forms which may be subject to procedures prescribed by Secretary; requiring certain signature, autograph or mark; and declaring an emergency.

SUBJECT: Voter registration

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

SECTION 1. AMENDATORY 26 O.S. 2011, Section 4-103.1, as amended by Section 2, Chapter 87, O.S.L. 2015 (26 O.S. Supp. 2015, 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 4-109.2 of this title;

3. Completing a voter registration application in person as part of an application for issuance, renewal or change of address for a 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~~ 4-109.4 of this title.

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 2. AMENDATORY 26 O.S. 2011, Section 4-109.2, as amended by Section 3, Chapter 87, O.S.L. 2015 (26 O.S. Supp. 2015, 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~~ 4-109.4 of this title.

SECTION 3. AMENDATORY 26 O.S. 2011, Section 4-109.3, as amended by Section 4, Chapter 87, O.S.L. 2015 (26 O.S. Supp. 2015, 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 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 licenses.

D. The Secretary of the State Election Board is authorized to develop with the Department of Public Safety a system to electronically transmit voter registration applications from motor license agencies 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~~ 4-109.4 of this title.

SECTION 4. AMENDATORY Section 1, Chapter 87, O.S.L. 2015 (26 O.S. Supp. 2015, Section 4-109.4), is amended to read as follows:

Section 4-109.4. 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~~ this title.

2. The applicant must ~~affirmatively~~ consent to the ~~use of~~ comparison of the information entered into an electronic voter registration application to the information contained in his or her driver license or identification card record and also to the use of the signature included in the driver license or identification card record for voter registration purposes.

3. A voter registration application properly submitted electronically shall be ~~considered~~ processed by the State Election Board and the appropriate county election board in the same manner as a voter registration application submitted ~~by mail~~ on a paper form.

D. 1. 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~~

2. a. The Secretary shall ~~obtain a digital copy~~ submit the information entered into the electronic voter registration application by the applicant to the Department of Public Safety for comparison to the

record 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~~

b. The Department of Public Safety shall respond to the submission and shall indicate if the information submitted matches the information in the applicant's driver license record.

c. If the information matches, the electronic voter registration application may proceed and the Department of Public Safety shall provide the State Election Board with the digital image of the signature included in the applicant's driver license or identification card record. If the information does not match, the application shall not proceed, and the applicant shall be notified of the failed match and may be provided information and instruction for updating the driver license or identification card record with the Department of Public Safety.

3. a. Following a match of records by the Department of Public Safety described in subparagraph b of paragraph 2 of this subsection, and if the Secretary finds that the electronic voter registration application is in compliance with this section and all applicable laws relating to voter registration, the digital image of the signature ~~of the applicant~~ from the applicant's driver license or identification card record shall be included on the application and the application shall be submitted and processed as provided by law. Provided, the Secretary of the State Election Board is authorized to designate an alternative method of obtaining the signature of the applicant, if necessary.

b. If the Secretary does not ~~so~~ find that the electronic voter registration application is in compliance with this section and all applicable laws relating to voter registration, the applicant shall be notified that the

electronic voter registration application ~~has been rejected and the reasons for such rejection~~ cannot be submitted and the reasons it cannot be submitted, and shall provide information about other methods to submit a voter registration application.

E. The provisions of Section 24A.5 of Title 51 of the Oklahoma Statutes relating to confidentiality of personal information within driver records as defined by the Driver's Privacy Protection Act, 18 United States Code, Sections 2721 through 2725, shall be applicable to information obtained by the State Election Board from the Department of Public Safety during the information matching procedure described in this section. Provided, however, this subsection shall not apply to information entered into the electronic voter registration application by the voter registration applicant nor to the digital image of the applicant's signature provided to the Secretary of the State Election Board by the Department of Public Safety, upon the consent of the applicant, for use on the electronic voter registration application as provided in this section.

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

SECTION 5. AMENDATORY 26 O.S. 2011, Section 4-112, as amended by Section 6, Chapter 87, O.S.L. 2015 (26 O.S. Supp. 2015, 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 G of this section;

2. ~~The names of political parties~~ A space or section to designate a political party recognized by the laws of the State of Oklahoma with which the applicant ~~may~~ chooses to be affiliated;

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;

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

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~~ 4-109.4 of this title.

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~~ the National Mail Voter Registration Form, or its successor, as required by the National Voter Registration Act of 1993. Provided, to be accepted as a valid voter registration application, the form shall include the applicant's original, handwritten signature, autograph or mark as described in subsection B of this section.

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 Secretary of 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.

H. A full or partial Social Security number or driver license number in a voter registration record or a voter registration application shall not be considered a public record and shall be kept confidential by the State Election Board and each county election board.

SECTION 6. It being immediately necessary for the preservation of the public peace, health and safety, an emergency is hereby declared to exist, by reason whereof this act shall take effect and be in full force from and after its passage and approval.

Passed the Senate the 17th day of May, 2016.

Eddie Fields
Presiding Officer of the Senate

Passed the House of Representatives the 19th day of May, 2016.

Lee R. Denney
Presiding Officer of the House of Representatives

OFFICE OF THE GOVERNOR

Received by the Office of the Governor this 19th day of May, 2016, at 3:07 o'clock P M.

By: Audrey Rockwell

Approved by the Governor of the State of Oklahoma this 24th day of May, 2016, at 1:09 o'clock P M.

Mary Fallin
Governor of the State of Oklahoma

OFFICE OF THE SECRETARY OF STATE

Received by the Office of the Secretary of State this 24th day of May, 2016, at 2:29 o'clock P. M.

By: Chris Benge