

1 STATE OF OKLAHOMA

2 1st Session of the 56th Legislature (2017)

3 HOUSE BILL 1332

By: Perryman

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5  
6 AS INTRODUCED

7 An Act relating to elections; amending 26 O.S. 2011,  
8 Section 4-113, which relates to voter identification;  
9 requiring computerized finger imaging for voter  
10 registration; prohibiting access to information  
11 collected; requiring written application for access  
12 to information; requiring probable cause; authorizing  
13 adoption of rules; amending 26 O.S. 2011, Section 7-  
14 114, as last amended by Section 5, Chapter 4, O.S.L.  
15 2014 (26 O.S. Supp. 2016, Section 7-114), which  
16 relates to proof of identity; allowing certain  
17 imaging systems as proof of identity; and providing  
18 an effective date.

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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, the county election board secretary in the county of the  
4 voter's residence shall transmit the new voter identification card  
5 as acknowledgment of the transaction which may be the notice  
6 required in Section 4-103.1 of this title.

7 C. The State Election Board shall develop and implement a  
8 procedure for computerized finger imaging by means of an inkless  
9 finger image scanning device and shall require every applicant for  
10 voter registration or change in registration to submit to finger  
11 imaging for the purposes of proof of identity and to ensure the  
12 security of the voter registration card issued to the applicant and  
13 to enable registered voters who have no written documentation of  
14 identity to vote. A registered voter who was duly registered prior  
15 to the implementation of computerized finger-imaging identification  
16 as set forth herein may voluntarily submit to finger imaging in the  
17 same manner as a person who is registering as a new voter or a  
18 person who is changing registration.

19 D. For the purposes of this section and Section 7-114 of this  
20 title, "automated finger imaging" or "computerized finger imaging"  
21 means capturing the image of the two index fingers and the facial  
22 photograph of a person who is registering to vote or changing voter  
23 registration or voluntarily submitting such images to a database for  
24 voter identification purposes and the storing of such record of

1 those images in a manner to allow said images to identify a  
2 registered voter for any purpose necessary under this title.

3 E. No law enforcement agency of the state or federal government  
4 other than the State Election Board shall have access to any  
5 information collected through the use of computerized finger imaging  
6 without first obtaining a court order from a judge of competent  
7 jurisdiction. Each application for an order authorizing the access  
8 to any information collected through the use of computerized finger  
9 imaging shall be made in writing upon oath or affirmation to a judge  
10 of competent jurisdiction. Each application shall establish  
11 probable cause for belief that a named individual is committing, has  
12 committed or is about to commit a particular violation of law.

13 F. The Secretary of the State Election Board shall adopt rules  
14 as may be necessary to carry out the provisions of this section.

15 SECTION 2. AMENDATORY 26 O.S. 2011, Section 7-114, as  
16 last amended by Section 5, Chapter 4, O.S.L. 2014 (26 O.S. Supp.  
17 2016, Section 7-114), is amended to read as follows:

18 Section 7-114. A. Each person appearing to vote shall announce  
19 that person's name to the judge of the precinct and shall provide  
20 proof of identity, whereupon the judge shall determine whether the  
21 person's name is in the precinct registry. As used in this section,  
22 "proof of identity" shall mean a document that satisfies all of the  
23 following:  
24

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

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

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

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

13 4. The document was issued by the United States, the State of  
14 Oklahoma or the government of a federally recognized Indian tribe or  
15 nation.

16 Provided, if the person presents a voter identification card  
17 issued by the appropriate county election board, such card may serve  
18 as proof of identity without meeting the requirements of paragraphs  
19 2 and 3 of this subsection.

20 B. If a person who has submitted to computerized finger imaging  
21 as provided in Section 4-113 of this title declines to or is unable  
22 to produce proof of identity, the person may inform the judge of the  
23 precinct that the person desires to be identified by computerized  
24 finger imaging and if the automated finger-imaging system positively

1 identifies said person, the person may be allowed to cast a ballot  
2 as if that person had submitted documentation complying with  
3 subsection A of this section.

4 C. 1. If a person declines to or is unable to produce proof of  
5 identity and has not previously submitted a computerized finger-  
6 imaging record to the State Election Board or the person has  
7 previously submitted a computerized finger-imaging record to the  
8 State Election Board and the electronic identity verification  
9 database is either not available at the polling place or said  
10 database does not successfully identify the person seeking to vote,  
11 the person may sign a statement under oath, in a form approved by  
12 the Secretary of the State Election Board, swearing or affirming  
13 that the person is the person identified on the precinct registry,  
14 and shall be allowed to cast a provisional ballot in a manner  
15 consistent with the provisions of Section 7-116.1 of this title.

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

- 19 a. the voter's name on the affidavit substantially  
20 conforms to the voter's name in the voter registration  
21 database, except as provided in paragraph 3 of this  
22 subsection,
- 23 b. the voter's residence address on the affidavit  
24 substantially conforms to the voter's residence

1 address in the voter registration database, except as  
2 provided in paragraph 4 of this subsection,

3 c. the voter's date of birth matches the information in  
4 the voter registration database,

5 d. the voter's Oklahoma driver license number or the last  
6 four digits of the voter's Social Security number on  
7 the affidavit matches the information in the voter  
8 registration database. The provisions of this  
9 subparagraph shall not apply if the voter was not  
10 required to provide a driver license number or the  
11 last four digits of the voter's Social Security number  
12 at the time of registration, and

13 e. the provisional ballot meets the eligibility  
14 requirements set forth in Section 7-116.1 of this  
15 title.

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

1 4. A voter casting a provisional ballot as provided in this  
2 section who has changed his or her address of residence, but has not  
3 updated the address on the voter registry, may note this fact on the  
4 affidavit and submit a form to update the address prescribed by the  
5 Secretary of the State Election Board. In such a case, and where  
6 the 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 5. False swearing or affirming under oath shall be punishable  
10 as a felony as provided in Section 16-103 of this title, and the  
11 penalty shall be distinctly set forth on the face of the statement.

12 SECTION 3. This act shall become effective November 1, 2017.

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14 56-1-6264 LRB 12/21/16

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