

1 STATE OF OKLAHOMA

2 1st Session of the 58th Legislature (2021)

3 SENATE BILL 416

By: Thompson

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5
6 AS INTRODUCED

7 An Act relating to voter registration; amending 26
8 O.S. 2011, Sections 4-109.3, as last amended by
9 Section 1, Chapter 242, O.S.L. 2017, 4-110.1, as last
10 amended by Section 2, Chapter 216, O.S.L. 2019, 4-
11 113, as amended by Section 3, Chapter 216, O.S.L.
12 2019, 4-117, as amended by Section 1, Chapter 34,
13 O.S.L. 2013, 4-118, Section 1, Chapter 377, O.S.L.
14 2015, 4-120.6, 4-120.8 and 4-120.10 (26 O.S. Supp.
15 2020, Sections 4-109.3, 4-110.1, 4-113, 4-117 and 4-
16 118.1), which relate to applications, change of
17 registration and reregistration; establishing
18 procedures for change of voter registration;
19 clarifying applicability of provisions; requiring
20 Secretary of State Election Board and Department of
21 Public Safety to prescribe certain system; applying
22 certain time limitation to applicability of update of
23 registration; conforming language; requiring
24 cancellation of certain registration; providing for
25 restoration of certain registration; permitting
26 voting in previous county of residence under
27 specified circumstances; conforming language;
28 updating statutory language; making language gender
29 neutral; and providing an effective date.

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

31 SECTION 1. AMENDATORY 26 O.S. 2011, Section 4-109.3, as
32 last amended by Section 1, Chapter 242, O.S.L. 2017 (26 O.S. Supp.
33 2020, Section 4-109.3), is amended to read as follows:
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1 Section 4-109.3. A. When a qualified elector who is not
2 registered to vote in this state applies for issuance or renewal of
3 an Oklahoma driver license, or issuance of a state identification
4 card issued pursuant to Section 6-105 of Title 47 of the Oklahoma
5 Statutes, he or she shall be provided voter registration services as
6 required by the National Voter Registration Act. All completed
7 paper voter registration applications shall be transmitted by the
8 agency accepting the application at the close of business each week
9 to the State Election Board in preaddressed, postage prepaid
10 envelopes provided by the State Election Board. If a person
11 registers or declines to register to vote, the office at which the
12 person submits the voter registration application or the fact that
13 the person declined to register shall remain confidential and will
14 be used only for voter registration purposes.

15 B. ~~A change of address for an Oklahoma driver license or state~~
16 ~~identification card submitted by a registered voter shall also serve~~
17 ~~as a change of address for voter registration purposes if the new~~
18 ~~address is within the same county where the voter is registered to~~
19 ~~vote. If the new address is outside the county where the voter is~~
20 ~~currently registered to vote, the voter shall be sent a notice and~~
21 ~~application with instructions for registering to vote at the new~~
22 ~~address. A change of address for an Oklahoma driver license or~~
23 ~~state identification card shall not be used to update a voter~~
24 ~~registration address if the registrant states in writing that the~~

~~change of address is not for voter registration purposes~~ 1. When a registered voter in this state who is twenty-two (22) years of age or older submits a change of address form for an Oklahoma driver license or state identification card, or supplies a name or address as part of an application for issuance or renewal of an Oklahoma driver license or issuance of a state identification card issued pursuant to Section 6-105 of Title 47 of the Oklahoma Statutes that differs from the name and address in the voter registration record, the registrant's voter registration record shall be updated to reflect the name or address information provided to the Department of Public Safety. The secretary of the county election board for the county of the registrant's residence, as provided in the change of address form or the license or identification card application, shall mail the registrant notice of the change of registration pursuant to subsection B of Section 4-103.1 of this title. The notice shall provide the registrant the opportunity to decline the change of information. If the registrant returns the notice and indicates that the change of information was in error, the secretaries of the affected county election boards shall correct the registrant's previously updated information and restore the registrant's previous registration information as soon as is practicable.

2. When a registered voter in this state who is less than twenty-two (22) years of age submits a change of address form for an

1 Oklahoma driver license or state identification card, or supplies a
2 name or address as part of an application for issuance or renewal of
3 an Oklahoma driver license, or issuance of a state identification
4 card issued pursuant to Section 6-105 of Title 47 of the Oklahoma
5 Statutes that differs from the name and address in the voter
6 registration record, the registrant's voter registration record
7 shall be updated to reflect the name or address information unless
8 the registrant indicates during the Department of Public Safety
9 transaction that the change is not for voter registration purposes.

10 3. The provisions of this subsection shall apply regardless of
11 whether a new address provided to the Department of Public Safety is
12 outside the county where the voter is currently registered to vote.

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

18 D. The Oklahoma Tax Commission shall notify the Secretary of
19 the State Election Board of motor license agent appointments. The
20 Oklahoma Department of Public Safety shall notify the Secretary of
21 the State Election Board of motor license agents qualified to issue
22 driver licenses.

23 E. The Secretary of the State Election Board is authorized to
24 develop with the Department of Public Safety a system to

1 electronically transmit voter registration applications from motor
2 license agencies to the State Election Board or county election
3 boards. ~~Such~~ The system shall be consistent with the requirements
4 for electronic submission of voter registration applications
5 provided in Section 4-109.4 of this title.

6 F. The Secretary of the State Election Board shall promulgate
7 rules and procedures to implement the requirements of this section.

8 G. The Secretary of the State Election Board and the Department
9 of Public Safety shall prescribe a system by which a motor license
10 agency, upon obtaining a person's full name, date of birth, driver
11 license or state identification number, residence address, and
12 mailing address if different from residence address, may use the
13 information to determine immediately whether the person is
14 registered to vote in this state and, if so, whether the person is
15 registered under the name and at the address the person provided to
16 the Department of Public Safety.

17 SECTION 2. AMENDATORY 26 O.S. 2011, Section 4-110.1, as
18 last amended by Section 2, Chapter 216, O.S.L. 2019 (26 O.S. Supp.
19 2020, Section 4-110.1), is amended to read as follows:

20 Section 4-110.1. A. Voter registration applications may be
21 submitted at any time. However, completed applications received by
22 the State Election Board, any county election board, any agency
23 designated to accept voter registration applications or any motor
24 license agent as part of a driver license or identification card

1 application twenty-four (24) or fewer days prior to an election; any
2 updated name or address information received by a motor license
3 agent pursuant to subsection B of Section 4-109.3 of this title
4 twenty-four (24) or fewer days prior to an election; any mail
5 application postmarked or any electronic application submitted
6 twenty-four (24) or fewer days prior to an election or any mail
7 application received without a postmark nineteen (19) or fewer days
8 prior to an election shall not be approved for that election if the
9 applicant's residence is located within the geographical boundaries
10 of the entity for which the election is being conducted.

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

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

21 D. Registration for candidate filing or party affiliation
22 purposes occurs at the earliest time the completed voter
23 registration application is received at the State Election Board,
24 any county election board, any agency designated to accept voter

1 registration applications or any Motor License Agent as part of a
2 driver license or identification card application provided that the
3 application subsequently is approved by the secretary of the county
4 election board for the county of the applicant's residence; or, in
5 the case of mail applications, registration for candidate filing or
6 party affiliation purposes shall occur at the time when the
7 completed voter registration application is postmarked provided that
8 the application subsequently is approved by the secretary of the
9 county election board for the county of the applicant's residence;
10 or, in the case of a mail application received without a postmark,
11 registration for candidate filing or party affiliation purposes
12 shall occur at the earliest time when the completed application is
13 received by the State Election Board or any county election board
14 provided that the application is subsequently approved by the
15 secretary of the county election board for the county of the
16 applicant's residence.

17 E. Registration for any purpose of a person who is under the
18 age of eighteen (18) years and who has submitted an application
19 pursuant to the provisions of subsection B of Section 4-103 of this
20 title occurs upon the eighteenth birthday of the person, regardless
21 of the time the application is received or approved.

22 SECTION 3. AMENDATORY 26 O.S. 2011, Section 4-113, as
23 amended by Section 3, Chapter 216, O.S.L. 2019 (26 O.S. Supp. 2020,
24 Section 4-113), is amended to read as follows:

1 Section 4-113. A. The Secretary of the State Election Board
2 shall devise a voter identification card which shall be issued to
3 every person who becomes a registered voter in Oklahoma. The voter
4 identification card shall contain ~~such~~ information as is necessary
5 to determine a registered voter's eligibility.

6 B. When a person registers to vote or changes or has his or her
7 registration updated in any manner to require a new voter
8 identification card, or upon the eighteenth birthday of a person who
9 has submitted a voter registration application pursuant to the
10 provisions of subsection B of Section 4-103 of this title, the
11 county election board secretary in the county of the voter's
12 residence shall transmit the new voter identification card as
13 acknowledgment of the transaction which may be the notice required
14 in Section 4-103.1 of this title.

15 SECTION 4. AMENDATORY 26 O.S. 2011, Section 4-117, as
16 amended by Section 1, Chapter 34, O.S.L. 2013 (26 O.S. Supp. 2020,
17 Section 4-117), is amended to read as follows:

18 Section 4-117. If a registered voter of a county has changed
19 name or residence within the same county, and has not executed a
20 transfer as ~~hereinbefore~~ provided in this title or otherwise has his
21 or her registration updated pursuant to paragraph 1 of subsection B
22 of Section 4-109.3 of this title, the voter shall be entitled to a
23 change upon executing an application on a form to be prescribed by
24 the Secretary of the State Election Board and presenting ~~such~~ the

1 form along with the voter identification card or other proof of
2 identity as described in Section 7-114 of this title to the
3 inspector of the precinct in which the voter is registered or to a
4 member of an in-person absentee voting board of the county in which
5 the voter is registered on the day of the next ensuing election or
6 of in-person absentee voting. Upon doing so, such registered voter
7 shall be permitted to vote on the ballots of such precinct, and only
8 of such precinct, for the election being conducted on that day only.
9 The inspector or in-person absentee voting board member shall
10 deliver such form to the secretary of the county election board, who
11 shall change the registration in the manner prescribed by the
12 Secretary of the State Election Board.

13 SECTION 5. AMENDATORY 26 O.S. 2011, Section 4-118, is
14 amended to read as follows:

15 Section 4-118. Any registered voter who changes his or her
16 residence to another county and whose registration has not been
17 updated pursuant to paragraph 1 of subsection B of Section 4-109.3
18 of this title may apply for registration as an initial registrant in
19 ~~such~~ the other county. ~~Such person~~ The applicant shall indicate his
20 or her prior registration information, including name, residence
21 address and county and political affiliation, as appropriate, on the
22 voter registration application. The secretary of the election board
23 of the second county shall immediately notify the Secretary of the
24 State Election Board of ~~such~~ the transaction.

1 SECTION 6. AMENDATORY Section 1, Chapter 377, O.S.L.

2 2015 (26 O.S. Supp. 2020, Section 4-118.1), is amended to read as
3 follows:

4 Section 4-118.1. A. Any state agency that purchases,
5 subscribes to, or is an authorized or licensed user of the United
6 States Postal Service's National Change of Address dataset ~~is~~
7 ~~authorized to~~ may share the records from the dataset with the State
8 Election Board.

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

14 C. Subject to available funding, the Secretary of the State
15 Election Board ~~is authorized to~~ may mail a notice to any registered
16 voter whose records in the National Change of Address dataset
17 indicate he or she may have changed his or her address of residence
18 and whose address has not been updated pursuant to paragraph 1 of
19 subsection B of Section 4-109.3 of this title. ~~Such~~ The notice
20 shall advise the voter of the requirement to be registered at the
21 voter's address of residence, and shall include information and
22 forms necessary to enable the voter to transfer his or her voter
23 registration to a new address of residence.

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

6 SECTION 7. AMENDATORY 26 O.S. 2011, Section 4-120.6, is
7 amended to read as follows:

8 Section 4-120.6. The secretary of each county election board
9 shall cancel the registration of all registered voters who have
10 registered in another county in ~~Oklahoma~~ this state or had their
11 registration transferred to another county in this state pursuant to
12 paragraph 1 of subsection B of Section 4-109.3 of this title, or
13 registered in another state, upon receipt of notice of ~~same~~ the
14 registration or transfer. If the voter whose registration was
15 transferred to another county in this state pursuant to paragraph 1
16 of subsection B of Section 4-109.3 of this title returns the notice
17 described in the subsection and indicates that the change of address
18 was in error, the secretaries of the affected county election boards
19 shall restore the voter's previous registration information as soon
20 as is practicable. Notwithstanding any other provision of law, a
21 voter whose registration was transferred to another county in this
22 state pursuant to paragraph 1 of subsection B of Section 4-109.3 of
23 this title twenty-four (24) or fewer days prior to an election shall
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1 be permitted to vote in the voter's previous county of residence in
2 that election only.

3 SECTION 8. AMENDATORY 26 O.S. 2011, Section 4-120.8, is
4 amended to read as follows:

5 Section 4-120.8. A Except as provided in Section 4-120.6 of
6 this title, a person whose registration has been cancelled according
7 to law shall be required to register again in the manner provided by
8 law for initial registrations before he or she can vote in an
9 election for which registration is required.

10 SECTION 9. AMENDATORY 26 O.S. 2011, Section 4-120.10, is
11 amended to read as follows:

12 Section 4-120.10. Any Except as provided by Section 4-120.6 of
13 this title, any person whose voter registration has been transferred
14 and the transfer has been completed by the appropriate election
15 board pursuant to subsection B of Section 4-109.3 or Section 4-116
16 or 4-118 of ~~Title 26 of the Oklahoma Statutes~~ this title shall not
17 vote in the precinct in which the person was registered prior to the
18 transfer of registration.

19 SECTION 10. This act shall become effective November 1, 2021.

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