

1 STATE OF OKLAHOMA

2 2nd Session of the 55th Legislature (2016)

3 HOUSE BILL 2592

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. 2015, 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.

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

20 SECTION 1. AMENDATORY 26 O.S. 2011, Section 4-113, is  
21 amended to read as follows:

22 Section 4-113. A. The Secretary of the State Election Board  
23 shall devise a voter identification card which shall be issued to  
24 every person who becomes a registered voter in Oklahoma. Said voter  
25 identification card shall contain such information as is necessary  
26 to determine a registered voter's eligibility.

27 B. When a person registers to vote or changes his or her  
28 registration in any manner to require a new voter identification

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

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

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

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

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

13       SECTION 2.       AMENDATORY       26 O.S. 2011, Section 7-114, as  
14 last amended by Section 5, Chapter 4, O.S.L. 2014 (7-114 O.S. Supp.  
15 2015, Section 7-114), is amended to read as follows:

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

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

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

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

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

10           4. The document was issued by the United States, the State of  
11 Oklahoma or the government of a federally recognized Indian tribe or  
12 nation.

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

17           B. If a person who has submitted to computerized finger imaging  
18 as provided in Section 4-113 of this title declines to or is unable  
19 to produce proof of identity, the person may inform the judge of the  
20 precinct that the person desires to be identified by computerized  
21 finger imaging and if the automated finger-imaging system positively  
22 identifies said person, the person may be allowed to cast a ballot  
23 as if that person had submitted documentation complying with  
24 subsection A of this section.

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

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

16            a. the voter's name on the affidavit substantially  
17                 conforms to the voter's name in the voter registration  
18                 database, except as provided in paragraph 3 of this  
19                 subsection,

20            b. the voter's residence address on the affidavit  
21                 substantially conforms to the voter's residence  
22                 address in the voter registration database, except as  
23                 provided in paragraph 4 of this subsection,

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- 1           c.    the voter's date of birth matches the information in  
2                the voter registration database,
- 3           d.    the voter's Oklahoma driver license number or the last  
4                four digits of the voter's Social Security number on  
5                the affidavit matches the information in the voter  
6                registration database.  The provisions of this  
7                subparagraph shall not apply if the voter was not  
8                required to provide a driver license number or the  
9                last four digits of the voter's Social Security number  
10              at the time of registration, and
- 11          e.    the provisional ballot meets the eligibility  
12                requirements set forth in Section 7-116.1 of this  
13                title.

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

22          4.  A voter casting a provisional ballot as provided in this  
23 section who has changed his or her address of residence, but has not  
24 updated the address on the voter registry, may note this fact on the

1 affidavit and submit a form to update the address prescribed by the  
2 Secretary of the State Election Board. In such a case, and where  
3 the requirements of Section 4-117 of this title are satisfied, the  
4 provisional ballot shall be deemed to meet the requirements of  
5 subparagraph a of paragraph 2 of this subsection.

6 5. False swearing or affirming under oath shall be punishable  
7 as a felony as provided in Section 16-103 of this title, and the  
8 penalty shall be distinctly set forth on the face of the statement.

9 SECTION 3. This act shall become effective November 1, 2016.

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55-2-8356 LRB 01/19/16