

An Act

ENROLLED SENATE
BILL NO. 148

By: Fields of the Senate

and

Russ of the House

An Act relating to elections; amending 26 O.S. 2011, Sections 4-109.3, as last amended by Section 3, Chapter 326, O.S.L. 2016 and 4-120.2, as amended by Section 2, Chapter 377, O.S.L. 2015 (26 O.S. Supp. 2016, Sections 4-109.3 and 4-120.2), which relate to voter registration; modifying procedures for providing and updating voter registration information upon application for issuance or renewal of driver license; authorizing promulgation of rules and procedures; modifying persons required to receive address confirmation; modifying circumstances under which voter designated as inactive; 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 4-109.3, as last amended by Section 3, Chapter 326, O.S.L. 2016 (26 O.S. Supp. 2016, 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~~ driver 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~~ he or she shall be provided voter registration services as required by the National Voter Registration Act. All completed paper voter registration applications shall be transmitted by the motor license agent agency accepting the application 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. A change of address for an Oklahoma driver license or state identification card submitted by a registered voter shall also serve as a change of address for voter registration purposes if the new address is within the same county where the voter is registered to vote. If the new address is outside the county where the voter is currently registered to vote, the voter shall be sent a notice and application with instructions for registering to vote at the new address. A change of address for an Oklahoma driver license or state identification card shall not be used to update a voter registration address if the registrant states in writing that the change of address is not for voter registration purposes.

C. Motor license agents shall receive fifty cents (\$0.50) per valid paper 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.~~ D. 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.~~ E. 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 4-109.4 of this title.

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

SECTION 2. AMENDATORY 26 O.S. 2011, Section 4-120.2, as amended by Section 2, Chapter 377, O.S.L. 2015 (26 O.S. Supp. 2016, Section 4-120.2), is amended to read as follows:

Section 4-120.2 A. No later than June 1 of each odd-numbered year, any voter identified within the previous twenty-four (24) months as subject to the provisions of this subsection shall be sent an address confirmation mailing prescribed by the Secretary of the State Election Board and paid for by the state. The following shall be subject to the provisions of this subsection:

1. Any voter for whom a first-class mailing from the county election board or the State Election Board was returned;

2. Any voter identified by the Secretary of the State Election Board as a potential duplicate voter in another county in this state or in another state;

3. Any voter who has surrendered his or her Oklahoma driver license to the Department of Public Safety upon being issued a driver license in another state;

4. Any voter identified in subsection C of Section ~~1 of this act~~ 4-118.1 of this title who has not updated his or her voter registration;

5. Any registered voter identified in subsection F of Section 4-120.3 of this title whose voter registration has not been canceled; ~~and~~

6. Any active registered voter who did not vote in the second previous general election or any election conducted by a county election board since the second previous general election and who has initiated no voter registration change; and

7. Any registered voter who was sent a notice and application to update a voter registration address as required by subsection B of Section 4-109.3 of this title, but whose voter registration address has not been updated or canceled.

Voters who do not respond to the confirmation mailing or whose mailing is returned as nonforwardable or undeliverable as addressed shall be designated as inactive sixty (60) days after the mailing.

B. An inactive voter's status shall be changed to active under the following conditions:

1. With any registration change initiated by the voter; or

2. By voting in any election conducted by a county election board.

An inactive voter who does not vote in any election conducted by a county election board during the period beginning on the date of the confirmation mailing and ending on the day after the date of the second successive general election for federal office shall be removed as a registered voter and all the information on that voter shall be destroyed. Each county election board secretary shall maintain a list of the names and addresses of all persons sent a confirmation mailing as described in this section and information on whether or not each such person has responded to the notice. The list shall be maintained for twenty-four (24) months following the date of the second successive federal general election after the date of the confirmation mailing.

C. The secretary of each county election board shall cause all inactive voters in a precinct to be identified on the precinct registry.

D. No later than June 1 of each odd-numbered year, the Secretary of the State Election Board shall identify duplicate voter registrations in the state and shall direct appropriate county election board secretaries to cancel the voter registration of all but the latest registration of duplicate voter registrations. Each county election board secretary shall maintain for twenty-four (24) months a list of the names and addresses of all canceled duplicate voter registrations. For the purposes of this subsection, duplicate voter registrations are those registrations which contain the following identical information on more than one registration:

1. First name, middle name or initial, last name, and date of birth;
2. Driver license number and date of birth; or
3. Last name, date of birth, and the last four digits of the Social Security number.

SECTION 3. It being immediately necessary for the preservation of the public peace, health or 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 4th day of May, 2017.

Presiding Officer of the Senate

Passed the House of Representatives the 26th day of April, 2017.

Presiding Officer of the House
of Representatives

OFFICE OF THE GOVERNOR

Received by the Office of the Governor this _____

day of _____, 20_____, at _____ o'clock _____ M.

By: _____

Approved by the Governor of the State of Oklahoma this _____

day of _____, 20_____, at _____ o'clock _____ M.

Governor of the State of Oklahoma

OFFICE OF THE SECRETARY OF STATE

Received by the Office of the Secretary of State this _____

day of _____, 20_____, at _____ o'clock _____ M.

By: _____