

An Act

ENROLLED SENATE
BILL NO. 377

By: Howard of the Senate

and

Newton and West (Josh) of
the House

An Act relating to voter registration; amending 26 O.S. 2021, Sections 4-113, as amended by Section 1, Chapter 293, O.S.L. 2022, 4-120, as amended by Section 3, Chapter 293, O.S.L. 2022, 4-120.1, and 4-120.5 (26 O.S. Supp. 2022, Sections 4-113 and 4-120), which relate to voter identification cards and cancellation of registrations; establishing requirements for transmission of voter identification cards; authorizing promulgation of rules by Secretary of the State Election Board; adding cause for cancellation of voter registration; authorizing application for new voter registration within certain time period after voluntary cancellation; requiring court to prepare certain list; requiring list to be provided to county election board; requiring secretary to cancel certain registrations; requiring report to district attorney and United States attorney; updating statutory language; making language gender neutral; and providing an effective date.

SUBJECT: Voter registration

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

SECTION 1. AMENDATORY 26 O.S. 2021, Section 4-113, as amended by Section 1, Chapter 293, O.S.L. 2022 (26 O.S. Supp. 2022, Section 4-113), is amended to read as follows:

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

B. When a person registers to vote or changes his or her registration in any manner to require a new voter identification card, or upon the eighteenth birthday of a person who has submitted a voter registration application pursuant to the provisions of subsection B of Section 4-103 of this title, the county election board secretary in the county of the voter's residence shall transmit the new voter identification card as acknowledgment of the transaction which may be the notice required in Section 4-103.1 of this title. New voter identification cards provided for in this subsection shall be mailed to the physical address of the voter if such address is valid to receive mail delivery; provided, however, the voter identification card shall be transmitted to the mailing address provided by the voter on his or her voter registration application if the mailing type or physical address meets one of the following exceptions:

1. The voter's physical address of residence is not a valid address to receive mail delivery. A valid address is one that follows the correct standards and formatting of the United States Postal Service. A valid address shall have a street name, street number, city, state, and ZIP code. An invalid address is one that has a directional address or unknown structure under standards of the United States Postal Service or is otherwise not eligible to receive mail delivery from the United States Postal Service.~~—If the applicant's address of residence is not a valid address for mail delivery, the voter identification card shall be transmitted to the mailing address provided by the applicant on his or her voter registration application;~~

2. The voter cannot receive mail delivery at a physical address due to "No Mail Receptacle" according to the United States Postal Service; or

3. The mailing of the voter identification card is the result of an action initiated by the election board which may include

notification to the voter of changes to a polling place, district lines, or precincts listed on the voter registration card.

C. 1. If a voter registration card is mailed to the voter's physical address and is returned to the election board by the postal service due to "No Mail Receptacle", the voter registration card may be resent to the mailing address provided on the voter registration application. A person whose voter identification card was returned pursuant to this subsection may appear in person to request and be provided the returned voter registration card at the county election board by presenting proof of identity as described in subsection A of Section 7-114 of this title.

2. Upon determination that a voter's physical address of residence cannot receive mail as described in paragraph 1 or 2 of subsection B of this section, the secretary of the county election board may make a notation of such information in the election management system, and any future mailings under the voter's current voter registration may be mailed to the voter's mailing address.

D. The Secretary of the State Election Board may promulgate rules to implement the requirements of this section.

SECTION 2. AMENDATORY 26 O.S. 2021, Section 4-120, as amended by Section 3, Chapter 293, O.S.L. 2022 (26 O.S. Supp. 2022, Section 4-120), is amended to read as follows:

Section 4-120. A. The registration of any registered voter shall be canceled only for one of the following reasons:

1. Written notice from the voter pursuant to Section 4-120.1 of this title;
2. Death;
3. Conviction of a felony;
4. Judicial determination of mental incapacitation under Title 30 of the Oklahoma Statutes;
5. Registration in another county or state;

6. Failure to respond to a confirmation of address mailing and failure to vote as prescribed in Section 4-120.2 of this title; ~~or~~

7. The surrendering of the voter's Oklahoma driver license to ~~the Department of Public Safety~~ Service Oklahoma upon being issued a driver license in another state; or

8. Being excused from jury duty for not being a citizen of the United States.

B. For purposes of this section, paragraphs 5 and 7 of subsection A of this section shall constitute confirmation from the voter to cancel his or her voter registration due to a change of residence.

C. A list of voter registrations that were canceled during the previous twenty-four (24) months, and the reason for the cancellation, shall be made available to the public.

SECTION 3. AMENDATORY 26 O.S. 2021, Section 4-120.1, is amended to read as follows:

Section 4-120.1. A. A registered voter may have his or her name removed from the voter registration database by executing a written notice for same to the Secretary of the State Election Board or any county election board. Such written notice shall be personally signed by the voter and either shall be notarized or shall be witnessed by two persons whose names and addresses shall be included on the notice.

B. Any voter who voluntarily cancels his or her voter registration as provided in this section shall be eligible to submit a new voter registration application in the same county when sixty (60) or more calendar days have passed since the submission of the request for cancellation.

SECTION 4. AMENDATORY 26 O.S. 2021, Section 4-120.5, is amended to read as follows:

Section 4-120.5. A. The court clerk in each county shall prepare each month a list of all persons who have been adjudged incapacitated and ~~hold said~~ provide the list ~~for~~ to the secretary of

the county election board. The secretary shall cancel the registration of each registered voter included on ~~said~~ the list, and ~~such~~ the person shall be ineligible for registration until he or she has been adjudged no longer incapacitated by a court of competent jurisdiction.

B. The court clerk in each county shall prepare each month a list of all persons who were excused from jury duty for not being a citizen of the United States and provide the list to the secretary of the county election board. The secretary shall cancel the registration of each registered voter included on the list, and shall report the person or persons to the district attorney and the United States attorney for the county.

SECTION 5. This act shall become effective November 1, 2023.

Passed the Senate the 25th day of May, 2023.

Presiding Officer of the Senate

Passed the House of Representatives the 25th day of May, 2023.

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: _____