

**TITLE 230. STATE ELECTION BOARD  
CHAPTER 15. VOTER REGISTRATION**

**RULEMAKING ACTION:**

Notice of proposed PERMANENT rulemaking

**PROPOSED RULES:**

Subchapter 3. Voter Outreach [AMENDED]

Subchapter 5. Voter Registration Application by Mail [AMENDED]

**SUMMARY:**

The Secretary of the State Election Board proposes amendments in Subchapter 3 and 5 of Chapter 15 to clarify the requirements set out in the Oklahoma Statutes for signatures on voter registration applications.

In 2014, an organization promoting voter registration and participation provided an online voter registration application that a user could sign electronically using remote pen technology. Remote pen technology allows an applicant to "sign" a document by making the motions of a signature with a finger or a stylus on the screen of an electronic device such as a tablet or smart phone. The signature motions are transmitted to a machine that imitates the motions with an actual pen and wet ink to reproduce the signature on a printed copy of the document.

When the use of remote pen technology came to light, the Secretary of the State Election Board requested an opinion from the Oklahoma Attorney General to determine whether remote pen technology complies with provisions of Title 26 O.S., Section 4-112(A) requiring that the applicant's signature on a voter registration application "must be the original, handwritten signature, autograph or mark of the applicant." The law further states that "No facsimile, reproduction, typewritten or other substitute signature, autograph or mark will be valid."

The Attorney General's official opinion (2014-10) stated that remote pen technology does not produce an "original, handwritten signature," and therefore is not a valid means of signing a voter registration application in Oklahoma. The proposed amendments in Chapter 15 are intended to emphasize the requirements in the statutes.

**AUTHORITY:**

Title 26 O.S. Supp. 2014, Section 2-107. Secretary of the State Election Board.

**COMMENT PERIOD:**

Written comments will be accepted until the conclusion of the public hearing on March 20, 2015. Written comments may be delivered to the State Election Board office or may be mailed. Comments also may be presented orally during the hearing. Mailing Address: State Election Board, P. O. Box 53156, Oklahoma City, OK 73152. Physical Address: Room B6, State Capitol Building, 2300 N. Lincoln Blvd., Oklahoma City. Email Address:

[suzanne.cox@elections.ok.gov](mailto:suzanne.cox@elections.ok.gov) or [info@elections.ok.gov](mailto:info@elections.ok.gov).

**PUBLIC HEARING:**

A public hearing will be held March 20, 2015, at 10 a.m. in the office of the State Election Board, Room B6, State Capitol Building, Oklahoma City.

**REQUESTS FOR COMMENTS FROM BUSINESS ENTITIES:**

n/a

**COPIES OF PROPOSED RULES:**

Copies of the proposed amendments are available in the office of the State Election Board,

Room B6, State Capitol Building, Oklahoma City.

**RULE IMPACT STATEMENT:**

A rule impact statement will be prepared and will be available in the State Election Board office on and after March 4, 2015.

**CONTACT PERSON:**

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**ADDITIONAL INFORMATION:**

N/A

**CHAPTER 15. VOTER REGISTRATION**  
**SUBCHAPTER 3. VOTER OUTREACH**  
**PART 3. DISTRIBUTION OF VOTER REGISTRATION APPLICATION FORMS**

**230:15-3-23. Voter registration application forms available to individuals**

(a) The printed Oklahoma Voter Registration Application form generally shall be available to any individual applicant for voter registration or for change of voter registration in the following locations.

(1) **Motor license agencies.** Any individual applicant for voter registration or for change of voter registration may obtain an Oklahoma Voter Registration Application form at any motor license agency in Oklahoma. See 230:15-5-100 and 230:15-5-103.

(2) **Voter registration agencies.** Any individual applicant for voter registration or for change of voter registration may obtain an Oklahoma Voter Registration Application form at any voter registration agency identified in 230:15-5-122 and 230:15-5-123. See 230:15-5-124.

(3) **Public libraries.** Any individual applicant for voter registration or for change of voter registration may obtain an Oklahoma Voter Registration Application in any public library in Oklahoma. Public library personnel shall have no responsibility either to offer applications to library patrons or to collect completed applications. Applications obtained at a public library shall be mailed to the State Election Board by the applicant.

(4) **United States Post Offices.** Any individual applicant for voter registration or for change of voter registration may obtain an Oklahoma Voter Registration Application form at any United States Post Office in Oklahoma. United States Postal Service employees shall have no responsibility either to offer applications to post office patrons or to collect completed applications. Applications obtained in a United States Post Office shall be mailed to the State Election Board by the applicant.

(b) ~~The printed federal voter registration application form shall be available from the State Election Board and from any County Election Board in Oklahoma to any individual applicant for voter registration who specifically requests the federal form~~ is widely available online. State Election Board and County Election Board personnel shall refer persons who want a copy of the federal voter registration application form to the United States Election Assistance Commission's website, although they may print a copy upon request. The federal voter registration application form is available online at [www.eac.gov](http://www.eac.gov). It may be filled out online, but it must be downloaded, printed, signed personally by the applicant as described in 230:15-5-84(c), and mailed or delivered to the State Election Board, to a County Election Board, or to a motor license agency or designated voter registration agency to be processed. A federal voter registration application form cannot be submitted online, by electronic mail, by fax, or by any other electronic means in Oklahoma.

(c) The Oklahoma Voter Registration Application form is available online at [www.elections.ok.gov](http://www.elections.ok.gov). The voter registration application form may be filled out online but must be downloaded, printed, signed personally by the applicant as described in 230:15-5-84(c), and mailed or delivered to the State Election Board or to a County Election Board office to be

~~processed. The Oklahoma Voter Registration Application cannot be submitted online, or by electronic mail, by fax, or by any other electronic means. The federal voter registration application form also is available online at [www.eac.gov](http://www.eac.gov). The federal form also may be filled out online, but must be downloaded, printed, signed and mailed. It cannot be submitted online or by electronic mail.~~

**SUBCHAPTER 5. APPLICATION FOR VOTER REGISTRATION  
PART 21. VOTER REGISTRATION APPLICATION BY MAIL**

**230:15-5-84. Information required on voter registration application**

(a) A person who is eligible to register to vote and who applies for voter registration shall be required to provide the information listed in (b) of this Section on a voter registration application form. Voter registration applications that contain all the required information shall be valid applications and shall be approved by the Secretary of the County Election Board and the applicant shall become a registered voter in the county. An application that does not contain the required information, except as provided in (c) and (d) of this Section, shall not be a valid application and shall be rejected.

(b) A valid voter registration application shall contain the following information.

(1) Applicant's full name.

(2) Applicant's date of birth.

(3) Applicant's county of residence. (See exception provided in (d) of this Section.)

(4) Applicant's residence address. (See (e) of this Section.)

(5) Applicant's mailing address. (See (f) of this Section.)

(6) Applicant's political affiliation. (See exception provided in (c) of this Section.)

(7) Applicant's Oklahoma driver license number, state identification card number, or the last four digits of applicant's Social Security number, or a check mark in the appropriate box to indicate that the applicant does not have an Oklahoma driver license, state identification card, or Social Security number. If the applicant submitted an older version of the Oklahoma Voter Registration Application form that does not include the check box to indicate that he or she does not have these identification numbers, the application shall not be considered valid if one of these numbers is not included. See 230:15-9-18.

(8) Applicant's original signature or applicant's original mark, as defined in subsection (c) of this Section.

(9) Name and address of person who helped applicant complete application if applicant is unable to complete it unassisted.

(10) Check marks in the "yes" boxes that accompany questions concerning applicant's age and citizenship status as required by federal law. [42 USC 15483(b)(4)(A)] If an applicant has checked the "no" boxes that accompany these questions, the application shall not be considered valid. (On older versions of the Oklahoma Voter Registration Application form, these questions appeared in the information and instruction portion of the form.) If an applicant did not answer these two questions but did sign and date the oath, the application

shall be accepted if it is otherwise valid.

(11) An oath requiring the applicant to swear or affirm his or her eligibility for voter registration.

(c) A voter registration application shall be signed by the applicant in writing. [26:4-112(A)] The applicant shall personally subscribe his or her name to or make his or her mark on the application, and no agent, representative or employee of the applicant may sign or mark on the applicant's behalf. [26:4-112(A)] The signature or mark must be the original, handwritten signature, autograph or mark of the applicant. [26:4-112(A)] No facsimile, reproduction, typewritten or other substitute signature, autograph or mark will be valid. [26:4-112(A)] A signature created electronically and applied to a voter registration application by remote pen technology or by any other electronic means shall not be a valid signature on a voter registration application form. The signature requirements described in this subsection are applicable to both the Oklahoma Voter Registration Application form and to the federal voter registration application form.

(d) An application for new voter registration that is valid in all other respects shall not be rejected because the applicant has made one of the errors listed below when indicating a political affiliation. County Election Board personnel shall be authorized to designate an applicant as an Independent if one of the errors listed below appears on an otherwise valid voter registration application form. A voter designated Independent by County Election Board personnel for one of the following reasons shall be entitled to declare a political affiliation at any time, even during the period beginning April 1 and ending August 31, inclusive, in even-numbered years when changes of political affiliation otherwise are prohibited. Such declarations of political affiliation shall be subject to the voter registration application deadline preceding an election. See 230:15-5-86.

(1) The applicant left the space on the application form for political affiliation blank.

(2) The applicant indicated more than one political affiliation and the applicant's intention cannot be determined.

(3) The applicant wrote the name of a political party or political organization not currently recognized in Oklahoma. See 230:15-5-77 and 230:15-5-79.

~~(d)~~(e) An applicant for voter registration shall indicate the name of the county in which he or she resides on the application form. However, if an applicant fails to indicate his or her county of residence, the Secretary of the County Election Board shall not reject the application solely for this reason if the residence address provided by the applicant in fact is located within the county.

~~(e)~~(f) An applicant for voter registration must provide his or her address of residence. If the applicant has a street address (a street name and number, an apartment or suite number, if applicable, and zip code), that is the applicant's address of residence. [26:4-112] If the applicant does not have a street address, a physical description of the location of the residence that can be used to pinpoint the residence on a map must be provided. The applicant may provide a 911 address or may provide the legal description (a Section-Township-Range description, including the appropriate quarter section or quarter-quarter section designation). Neither a rural route address nor a post office box address is acceptable as an address of residence for voter registration purposes. A voter registration application that does not include an address of residence sufficient to locate the residence on a map shall be rejected by the Secretary of the

County Election Board.

~~(f)~~(g) A mailing address must include the city and zip code. An emergency notification address, or 911 address, a rural route and box number, a post office box, or a street address all constitute valid mailing addresses for voter registration purposes. [26:4-112] If an applicant's mailing address is the same as the applicant's residence address, the space for mailing address may be left blank.