



# ***A Short Guide to Helping Voters Register Under Oklahoma Law***

## **WHO IS ELIGIBLE TO VOTE?**

In Oklahoma, a person is eligible to register to vote if he or she:<sup>1</sup>

- Is 18 years old;
- Is a U.S. citizen;
- Is a resident of Oklahoma;
- Has not been adjudged to be incapacitated;<sup>2</sup> and
  - If an incapacitated person is adjudged to no longer be incapacitated, he or she may register to vote.<sup>3</sup>
  - A person who has been adjudged to be partially incapacitated is eligible to register to vote, so long as the order adjudging him or her as such does not restrict his or her eligibility to register to vote.<sup>4</sup>
- Has not been convicted of a felony, unless a period of time equal to the time prescribed in the judgment and sentence has expired,<sup>5</sup> or the person has received a deferred sentence or a full pardon.<sup>6</sup>

A person may register to vote at any time beginning 60 days before the election if the person is not currently eligible to register to vote but will become eligible during the 60-day period prior to Election Day.<sup>7</sup> This most commonly applies to those whose 18<sup>th</sup> birthday falls within the 60-day period leading up to Election Day, but may also apply to those who become U.S. citizens during the same period.<sup>8</sup>

## **WHAT CONSTITUTES A COMPLETE VOTER REGISTRATION APPLICATION?**

Federal law<sup>9</sup> requires that voter registration applications include and require:

- Driver's License or State ID number, or, if none,
- Last four digits of Social Security Number, or, if none
- The state will assign the applicant a number, and
- Check boxes for the applicant to indicate whether she is a U.S. citizen and will be 18 by Election Day.

Federal law authorizes states to require only such identifying information as "is necessary to enable the appropriate State election official to assess the eligibility of the applicant and to administer voter registration and other parts of the election process."<sup>10</sup>

In Oklahoma, the following information must be provided on the state voter registration application in order for it to be considered valid:<sup>11</sup>

- Full name;
- Date of birth;
- County of residence, except that the application may not be rejected by the county board solely for this fact if the residence is in fact located within the county
- Residence address;
  - If the applicant has a street address, the application must include a full house number, street name or number, apartment or suite number if applicable, and zip code; a post office box number is not sufficient<sup>12</sup>
  - 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<sup>13</sup>

- Mailing address, if different from the residence address;
- Political affiliation (If not listed, the applicant will be registered as an Independent);
- Driver's license number or state identification card number or the last four digits of applicant's Social Security number, or a checkmark in the appropriate box indicating the applicant has none of those;<sup>14</sup>
- Applicant's original signature or mark, affirming under oath the applicant's eligibility; and
  - No agent, representative or employee of the applicant may sign or mark a registration application on the applicant's behalf. The signature may not be a facsimile, reproduction, typewritten or other substitute signature. The Secretary of the State Election Board is required to prescribe procedures to authorize any person incapable of personally making a mark to complete a voter registration application with assistance of an official of any voter registration agency or motor license agency.<sup>15</sup>
- If an applicant is unable to complete the voter registration form unassisted, the name and address of the person who helped the applicant complete the application.

Other requested information is optional and a voter's failure to provide it shall not result in the application being rejected if the application is otherwise valid.<sup>16</sup>

## WHAT IS THE DEADLINE FOR SUBMITTING REGISTRATION APPLICATIONS?

The deadline for submitting voter registration applications in Oklahoma is 25 days before the election.<sup>17</sup> Applications submitted or postmarked 24 days or less before an election will may not be approved for that election, nor may applications that do not have a postmark and are received by mail 19 days or less before Election Day.<sup>18</sup> Registration for voting purposes occurs when a completed voter registration application is approved by the county election board secretary for the county of the applicant's residence and on the date that the information is entered into the voter registration database for the county of the applicant's residence.<sup>19</sup>

## WHAT ARE THE STATE RULES GOVERNING VOTER REGISTRATION DRIVES?

When determining locations where voter registration applications are available, officials must place "particular emphasis " on "making voter registration applications available for organized voter registration programs."<sup>20</sup>

### BEFORE THE DRIVE

#### ***A. Does the state require voter registration organizations to register or file other information detailing its voter registration activities?***

This may depend on the number of forms the drive anticipates it will need.

Any organization, entity, or individual may obtain quantities of the Oklahoma Voter Registration Application form from the Secretary of any County Election Board as outlined below; however, the Secretary may refuse a request for forms if, in the Secretary's judgment, filling it would reduce the County Election Board's supply of forms below the level needed to meet its own requirements. Serial requests from the same organization, entity, or individual made within a 30 day period must be made in writing and state that all previously received forms have been distributed.

- A maximum of 250 state forms may be obtained from a county having up to 10,000 registered voters.
- A maximum of 1,000 state forms may be obtained from a county having 10,001 or more registered voters but fewer than 50,000 registered voters.



- A maximum of 2,000 Oklahoma Voter Registration Application forms may be obtained from the County Election Board in a county having 50,001 or more registered voters.<sup>21</sup>

Further, any organization, entity, or individual may obtain up to 5,000 copies of the Oklahoma Voter Registration Application form from the Secretary of the State Election Board by making a written request. Serial requests from the same organization, entity, or individual made within a 30 day period must be made in writing and state that all previously received forms have been distributed.<sup>22</sup>

Any organization, entity, or individual who anticipates needing more than 5,000 state application forms must request permission from the Secretary of the State Election Board to print them. The request must be in writing and must include the following information: name, address, and telephone number of the organization, entity, or individual requesting permission to print the Oklahoma Voter Registration Application form; the quantity of forms to be printed; a brief description of plans for use or distribution of the forms; date of request; and signature. The Secretary of the State Election Board may revoke permission to print the Oklahoma Voter Registration Application form from any organization, entity, or individual at any time.<sup>23</sup>

***B. Does the state require any training in order to conduct voter registration drives?***

No.

***C. Does the state have restrictions on who may help others register to vote?***

No.

***D. Does the state have restrictions on whether workers may be paid?***

No.

***E. Can canvassers or the voter registration drive offer something of value to a person in exchange for completing a voter registration application?***

Federal law states that whoever "pays or offers to pay or accepts payment either for registration to vote or for voting shall be fined not more than \$10,000 or imprisoned not more than five years."<sup>24</sup> At least one federal appellate court has interpreted "payment" as "intended to include forms of pecuniary value offered or given directly to an individual voter, and indicated the value should be based on "an assessment of the monetary worth of an item from the perspective of the voter receiving the item." That case held that food vouchers could be "payment."<sup>25</sup>

Another example is California's Secretary of State's interpretation of the federal law to mean that "[a]ny type of incentive is considered 'payment,' even things as seemingly innocent as cookies or admission to an entertainment event."<sup>26</sup>

## AFTER THE DRIVE

***A. Are there special rules requiring a third party to sign her name to the completed voter registration application?***

If an applicant is unable to complete the application unassisted and a person helps the applicant complete the application, that person's name and address must be included on the application.<sup>27</sup>

***B. Are voter registration groups prohibited from putting identifying marks on completed voter registration applications?***

Oklahoma law does not address this issue.



**C. Are there restrictions on copying completed voter registration applications prior to submitting them to the registrar?**

Oklahoma law does not address this issue.

**D. Are voter registration groups subject to time limits for submitting the voter registration applications they have collected?**

No. However, voter registration forms must be received at least 25 days before an upcoming election or the applicants will be ineligible to vote in that election.<sup>28</sup>

**E. What are the consequences for failing to submit voter registration applications on time?**

Oklahoma law does not address this issue.

**F. How are completed voter registration forms tracked?**

The Secretary of the County Election Board must cause all voter registration applications for the county to be processed as soon as possible after they are received from the State Election Board or received in person from an applicant or from a third party on behalf of an applicant.<sup>29</sup> All applications are entered into the system, including those applications that are not signed or appear to omit one or more of the items of required information.<sup>30</sup> The Secretary of the County Election Board must acknowledge by mail receipt of voter registration forms and notify each applicant of the disposition of his or her application.<sup>31</sup> The Secretary of the County Election Board issues a voter identification card to each person who becomes a registered voter.<sup>32</sup> If an application is rejected, the acknowledgement is a rejection notice, which describes the reason for which the application is rejected and must inform the applicant of the steps, if any, that may be taken to provide additional information to complete or to correct the application.<sup>33</sup>

If an applicant for new voter registration or for change of voter registration does not receive an acknowledgement of his or her application within 30 days after submitting it, the applicant is responsible for contacting the County Election Board in his or her county of residence to determine the status of the application.<sup>34</sup>

**G. Who is responsible for investigating and enforcing the state rules?**

The Secretary of the State Election Board has general supervisory authority over county election boards and has the authority to provide administrative supervision to any county election board. The Secretary has rulemaking authority to facilitate and assist in achieving and maintaining uniformity in the application, operation and interpretation of the state and federal election laws and a “maximum degree of correctness, impartiality and efficiency in administration of the election laws.” The Secretary is the chief state election official responsible for coordination of state responsibilities under the National Voter Registration Act of 1993 and under the Help America Vote Act of 2002.<sup>35</sup>

The Secretary of the State Election Board or any county election board who has documents that appear to be evidence of voter registration or voting crimes must notify the district attorney for the county or counties involved. A district attorney must then investigate and within 30 days must give a report in writing to the Secretary regarding the status of the investigation and must continue to report every 30 days until charges are filed or the district attorney declines to file charges.<sup>36</sup> At the conclusion of the investigation, the District Attorney must notify the Secretary that charges are filed or that charges are not to be filed.<sup>37</sup>

## **WHAT ARE THE RULES FOR CORRECTING INCOMPLETE APPLICATIONS?**

**A. If a voter registration application is incomplete, may the voter registration drive write the missing information on the application with the consent of the applicant?**

Oklahoma law does not address this issue.



**B. How may an applicant correct an incomplete application after it has been submitted to county election officials?**

If the application is rejected, including for incompleteness, an applicant must receive a rejection notice. A rejection notice must describe the reason for which the application is rejected and inform the applicant of the steps, if any, that may be taken to provide additional information to complete or to correct the application.<sup>38</sup> The applicant must receive a rejection notice for insufficient information if the applicant failed to provide sufficient information about his or her name, address, or date of birth. The applicant may complete the requested information on this rejection notice, sign and date it, and return it to the County Election Board. If the applicant returns the notice with the requested information within 60 days from the date the notice was generated, the county must process it and must use it to change the information previously entered into the system.<sup>39</sup> The additional information must be received by the Election Board 25 days or more before the election, or the application will not be activated for that election.<sup>40</sup> Applications that are rejected because of lack of signature, age, lack of identification number or checkmark, or duplication will be rejected and the existing application cannot be corrected.<sup>41</sup>

## WEB PAGE WITH STATUTE

<http://www.oklegislature.gov/osstatuestitle.html> [Title 26 - Elections]

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<sup>1</sup> Okla. Const. art. III, § 1

<sup>2</sup> Okla. Stat. tit. 26, § 4-101(2)

<sup>3</sup> Okla. Stat. tit. 26, § 4-101(2)

<sup>4</sup> Okla. Stat. tit. 26, § 4-101(2)

<sup>5</sup> Okla. Stat. tit. 26, § 4-101(1)

<sup>6</sup> Okla. Admin. Code § 230:15-5-4

<sup>7</sup> Okla. Stat. tit. 26, § 4-103; Okla. Admin. Code § 230:15-5-2

<sup>8</sup> Okla. Admin. Code § 230:15-5-2

<sup>9</sup> Help America Vote Act of 2002 (HAVA) §§ 303(a), 303(b)

<sup>10</sup> National Voter Registration Act of 1993 (NVRA), 42 U.S.C. § 1973gg-7(b)

<sup>11</sup> Okla. Admin. Code § 230:15-5-84

<sup>12</sup> Okla. Stat. tit. 26, § 4-112; Okla. Admin. Code § 230:15-5-84

<sup>13</sup> Okla. Admin. Code § 230:15-5-84

<sup>14</sup> Okla. Stat. tit. 26, § 4-112(A); Okla. Admin. Code § 230:15-5-84(b)(7)

<sup>15</sup> Okla. Stat. Ann. tit. 26, § 4-112(A)



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- <sup>16</sup> Okla. Admin. Code § 230:15-5-85  
<sup>17</sup> Okla. Stat. tit. 26, § 4-110.1(A)  
<sup>18</sup> Okla. Stat. tit. 26, § 4-110.1(A)  
<sup>19</sup> Okla. Stat. tit. 26, § 4-110.1(C)  
<sup>20</sup> Okla. Stat. tit. 26, § 4-109  
<sup>21</sup> Okla. Admin. Code § 230:15-3-24(b)  
<sup>22</sup> Okla. Admin. Code § 230:15-3-24(c)  
<sup>23</sup> Okla. Admin. Code § 230:15-3-26  
<sup>24</sup> 42 U.S.C. § 1973i(c)  
<sup>25</sup> *United States v. Garcia*, 719 F.2d 99, 102-03 (5th Cir. 1983).  
<sup>26</sup> California Secretary of State, *Guide to Voter Registration Drives* 10 (last revised March 2013), available at <http://www.sos.ca.gov/elections/guides/guide-to-vr-drives.pdf>.  
<sup>27</sup> Okla. Admin. Code § 230:15-5-84(b)(9)  
<sup>28</sup> Okla. Stat. tit. 26, § 4-110.1(A)  
<sup>29</sup> Okla. Admin. Code. § 230:15-9-12(a)  
<sup>30</sup> Okla. Admin. Code § 230:15-9-12(b)  
<sup>31</sup> Okla. Admin. Code § 230:15-5-87(a)  
<sup>32</sup> Okla. Stat. tit. 26, § 4-113  
<sup>33</sup> Okla. Admin. Code § 230:15-5-87(a)  
<sup>34</sup> Okla. Admin. Code § 230:15-5-87(b)  
<sup>35</sup> Okla. Stat. tit. 26, § 2-107  
<sup>36</sup> Okla. Stat. tit. 26, § 16-123  
<sup>37</sup> Okla. Admin. Code § 230:15-9-4(b); Okla. Admin. Code § 230:15-9-13(b)  
<sup>38</sup> Okla. Admin. Code § 230:15-5-87(a)  
<sup>39</sup> Okla. Admin. Code § 230:15-9-32(1); Okla. Admin. Code § 230:15-9-36  
<sup>40</sup> Okla. Admin. Code § 230:15-9-35  
<sup>41</sup> Okla. Admin. Code § 230:15-9-32(2)