



OKLAHOMA STATE ELECTION BOARD

March 4, 2019

The Honorable Frank Lucas
US House of Representatives
2405 Rayburn HOB
Washington, DC 20515

Re: Election Administration Provisions of H.R. 1

Dear Representative Lucas,

As Oklahoma's chief state election official, I am very proud of Oklahoma's election system. Our state has one of the most effective and efficient election systems in the world. It is uniform, it is fair, it is secure, it is accurate and it is fast.

As the House of Representatives prepares to consider H.R. 1, I want to take a moment to express some concerns about several of its provisions related to election administration. While I believe H.R. 1 to be well-intentioned by its sponsors, its "one-size-fits-all" requirements for state election systems would require Oklahoma to make extensive changes to the way we run elections. I am concerned that some of H.R. 1's mandates could negatively impact the very things Oklahoma's election system does so well.

Based on my review of H.R. 1, here is a list of my top concerns.

"Voting by Mail": To combat Oklahoma's past history of absentee ballot fraud, several decades ago the Oklahoma Legislature enacted legislation requiring most voters to have their identity confirmed by a notary public when voting by absentee ballot. Oklahoma law also requires absentee ballots to be received by the county election board no later than 7:00 p.m. on Election Day. These procedures help prevent fraud and enable county election boards to have 100% of absentee ballots counted on election night. Unfortunately, H.R. 1 seems to do away with these safeguards and efficiencies, instead requiring county election boards to (1) accept signed affidavits in lieu of notarized ones and (2) to accept an absentee ballot postmarked on Election Day. **H.R. 1's mandates would prevent Oklahoma from counting all absentee ballots by Election Day, would require the counting of absentee ballots to continue for days or weeks after an election, and would take away a critical security feature of our election system.**

"Early voting": In Oklahoma, county election boards typically have a very small staff. (Many have only the secretary and one assistant.) For federal and state elections, Oklahoma currently allows "early voting" on the Thursday, Friday and Saturday prior to Election Day. Most counties have a single early voting site, but several have two sites. Even with the assistance of absentee voting boards paid for by the State Election Board, most counties *barely* have enough budget and staff to successfully conduct early voting on the three days currently required. **H.R. 1's requirement for FIFTEEN CONSECUTIVE DAYS of early voting is simply not feasible given the small budgets and staffing levels of the 77 county election boards. This would make it virtually impossible for county election board staff to perform their other critical duties (e.g., processing mail absentee ballots, processing voter registration applications, and preparing supplies for precinct workers) if they are instead conducting early voting during this time.**

“Same Day Voter Registration”: Oklahoma has a very reasonable deadline for voter registration (applications must be submitted by the 24th day prior to an election). H.R. 1 requires county election boards to conduct voter registration during "early" voting periods and on Election Day. **This mandate is not currently feasible with the current funding and staffing levels of county election boards.** The logistics of predicting how many ballots to print and how many precinct officials to assign to polling places, with the number of potential voters unknown, would be **extremely difficult and inefficient.** Same day voter registration increases the risk that due to error or fraud **an ineligible person is allowed to register and vote.**

“Provisional ballots”: Oklahoma has a county-based election system. While Oklahoma uses the same voting system statewide, for security reasons each county's system is siloed and does not directly interact with other counties' systems. (For example, one county cannot print or count another county's ballot.) Oklahoma law requires a voter to vote in the assigned polling place in the county where the voter is registered. Provisional ballots are issued for a variety of reasons, and, if eligible, are counted after 2:00 p.m. on the Friday following Election Day. **However, H.R. 1 requires a provisional ballot to be counted even if it is cast in the wrong county, which creates a security risk and is not currently possible given Oklahoma's election security features.**

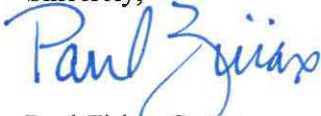
“Online Voter Registration”: Oklahoma will implement online voter registration in the near future. **Unfortunately, H.R. 1 sets different requirements for its federally-mandated online voter registration system than is required by Oklahoma law.** (For example, H.R. 1 does everything from defining acceptable signature requirements, to mandating a telephone version of an online voter registration system, to micromanaging the features required for a state's customer support system.) Further, Oklahoma's future online voter registration system will require that a registrant's identity be confirmed by matching the person's information with an existing driver license or state I.D., but **H.R. 1 sets different (and less secure) standards for confirming a registrant's identity.**

“Federalism”: While I believe H.R. 1's sponsors are well-intentioned, a great many of its election provisions – even those that are not concerns – relate to policy decisions that are best left to the states under our federal system. I am concerned that, in its current form, H.R. 1 could lead to costly and lengthy litigation.

While these are not my only concerns, they are the most serious. I appreciate your representation of our state in Congress, and I feel it is my duty as Oklahoma's chief election official to make you aware of some of the potential negative impacts H.R. 1 could have on our state's election system.

If you ever have any questions about elections in Oklahoma, please feel free to contact me or Assistant Secretary Pam Slater at (405) 521-2391 or pziriaux@elections.ok.gov or pslater@elections.ok.gov. Thank you for your consideration.

Sincerely,



Paul Ziriaux, Secretary
Oklahoma State Election Board