



## OKLAHOMA STATE ELECTION BOARD

September 17, 2021

The Honorable Jim Inhofe, United States Senator  
The Honorable James Lankford, United States Senator

Dear Senators Inhofe and Lankford,

As Oklahoma's chief election official, I am writing to express my disappointment after reviewing the provisions of the newly announced "Freedom to Vote Act."

Due to early press reports about the legislation, I was hopeful that this new bill would be a narrowly-focused "compromise" that moderated or removed the more problematic aspects of its predecessors, H.R.1 and S.1 ("For the People Act"). Unfortunately, **based on my initial review of its text, the "Freedom to Vote Act" seeks to implement an unnecessary and constitutionally dubious federalization of election administration procedures in much the same way as H.R.1 and S.1.**

Although it is being promoted as "voting rights" legislation, I believe the "Freedom to Vote Act" would actually make it harder to administer fair and secure elections in our state. This complicated legislation is nearly 600 pages long and seeks to micromanage most aspects of election administration – from mandating the number of "early voting" days, to how local election officials can be disciplined by a state, to how an online voter registration system may obtain an applicant's signature.

**If this bill becomes law, state and county election officials in Oklahoma would likely need to hire an army of lawyers to make sense of the minutia of its many new regulations,** as well as add a significant number of additional staff to implement and administer its requirements. It is also important to note that the "Freedom to Vote Act" conflicts with many of Oklahoma's existing laws, procedures and deadlines.

Here are just a few of my concerns about the new "Freedom to Vote Act":

- **UNREALISTIC TIMELINES**: The legislation imposes unrealistic timelines to implement its nearly 600 pages of technology and policy requirements.
- **VOTER ID**: The bill purports to create a "national voter ID" requirement, but it would actually weaken Oklahoma's modest and easy-to-understand proof of identity law. Instead, a complicated, confusing and less secure ID process is created — along with loopholes that effectively waive ID requirements for voters who merely sign a piece of paper "affirming" their identity.
- **ABSENTEE VERIFICATION**: Like its predecessors, this legislation would make it unlawful for states like Oklahoma to enforce laws that verify the identity of absentee voters.
- **LATE ABSENTEE BALLOTS**: Election officials would be required to accept late absentee ballots up to a week *after* Election Day — four days *after* Oklahoma's deadline for county election boards to certify elections. This new regulation would also prevent the reporting of 100% of votes on election night.
- **LEGAL CHALLENGES**: The legislation makes it difficult to challenge its constitutional defects in court by requiring plaintiffs to travel to Washington, DC to file lawsuits. Conversely, the Act incentivizes local federal lawsuits against state and local election officials stemming from the Act — going so far as to create numerous "private rights of action" that could enrich activist attorneys.
- **OUT-OF-PRECINCT PROVISIONAL BALLOTS**: Provisional ballots cast in the wrong precinct would be required to be counted — even though the U.S. Supreme Court has already upheld the constitutionality of requiring such ballots to be cast in a voter's assigned precinct.
- **SAME DAY REGISTRATION**: The "Same Day Registration" process is problematic in many ways. For example, it appears to require that a person merely needs to complete and sign a federal voter registration form in order to cast a ballot on Election Day — with no verification of the person's residence address, eligibility to vote, or current registration status. This would create a new risk of undetectable fraud. "Same Day Registration" also makes it difficult to determine the number of ballots to be printed for each election.
- **BALLOT CURING DEADLINE**: The bill creates an extended deadline to "cure" defective absentee and provisional ballot affidavits. This would interfere with Oklahoma's statutory deadline to certify election results.

The "Freedom to Vote Act" is an extensive and complex bill, so it is not possible to provide an exhaustive list of concerns in this letter. However, I fear that its enactment would lead to less confidence in our elections, not more. Furthermore, **due to its complexity and its numerous conflicts with our state's current election laws, deadlines, and procedures, the "Freedom to Vote Act" would be nearly impossible for Oklahoma election officials to implement in the narrow timeline required by the bill – and attempting to do so would be a recipe for chaos in our elections.**

As I have stated in previous correspondence, under the U.S. Constitution and our federal system of government, State Legislatures have the primary responsibility to determine the time, manner and place of elections. In my opinion, Congress should not attempt to impose "one-size-fits-all" election administration regulations on the States.

In the event Congress decides to consider a more limited piece of legislation aimed at improving the security and integrity of federal elections, I would be happy to serve as a resource to congressional members and staff of both parties.

As always, feel free to contact me if you would like to discuss the "Freedom to Vote Act" (or any other election legislation) further. Thank you.

Sincerely,



Paul Ziriak  
Secretary, Oklahoma State Election Board

Cc: The Hon. Kevin Stitt, Governor  
The Hon. Greg Treat, President Pro Tempore of the Senate  
The Hon. Charles McCall, Speaker of the House of Representatives  
The Hon. John O'Connor, Attorney General  
The Hon. Kevin Hern, 1<sup>st</sup> District U.S. Representative  
The Hon. Markwayne Mullin, 2<sup>nd</sup> District U.S. Representative  
The Hon. Frank Lucas, 3<sup>rd</sup> District U.S. Representative  
The Hon. Tom Cole, 4<sup>th</sup> District U.S. Representative  
The Hon. Stephanie Bice, 5<sup>th</sup> District U.S. Representative