

1 ENGROSSED SENATE
2 BILL NO. 2142

By: Russell and Gumm of the
Senate

3 and

4 Banz of the House
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7 An Act relating to elections; amending 26 O.S. 2001,
8 Sections 14-118 and 14-120.1, as last amended by
9 Sections 3 and 7, Chapter 272, O.S.L. 2009 (26 O.S.
10 Supp. 2009, Sections 14-118 and 14-120.1), which
11 relate to absentee ballots; modifying procedure for
12 voter to request balloting materials be transmitted
to electronic mail address; modifying elections for
which application for special write-in absentee
ballots may be made; modifying application form;
providing an effective date; and declaring an
emergency.

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

15 SECTION 1. AMENDATORY 26 O.S. 2001, Section 14-118, as
16 last amended by Section 3, Chapter 272, O.S.L. 2009 (26 O.S. Supp.
17 2009, Section 14-118), is amended to read as follows:

18 Section 14-118. A. When an application for an absentee ballot
19 pursuant to Section 14-117 of this title is received by the
20 secretary of a county election board, it shall be the duty of the
21 secretary to transmit by United States mail, by facsimile device as
22 defined in Section 1862 of Title 21 of the Oklahoma Statutes, or as
23 provided in subsection B of this section the ballots which the
24 elector has requested and is entitled to receive.

1 B. The secretary of the county election board may transmit
2 balloting materials for any state or federal election, or for any
3 other election as designated by the Secretary of the State Election
4 Board as provided in subsection D of this section, to an electronic
5 mail address in a form and manner prescribed by the Secretary of the
6 State Election Board, if the voter:

7 1. Is a ~~federal postcard application~~ Federal Post Card
8 Application registrant and is eligible to receive an absentee ballot
9 as provided by law;

10 2. ~~Provides a current address that is located outside the~~
11 ~~United States and is voting from outside the United States;~~

12 ~~3.~~ Provides an electronic mail address; and

13 ~~4.~~ 3. Requests that balloting materials be sent by electronic
14 mail.

15 If the secretary of the county election board transmits a ballot
16 to a voter at an electronic mail address as provided in this
17 subsection, the secretary shall amend the voter's federal postcard
18 application for future elections to include the voter's electronic
19 mail address.

20 C. An electronic mail address provided under this section is
21 confidential and does not constitute public information for purposes
22 of the Oklahoma Open Records Act. The secretary of the county
23 election board shall ensure that an electronic mail address provided
24 under this section is excluded from disclosure.

1 D. The Secretary of the State Election Board shall determine if
2 balloting materials for any election other than a state or federal
3 election may be produced in a form which would allow them to be
4 transmitted to an electronic mail address. If so, the Secretary
5 shall so designate them. If such designation is not made, the
6 balloting materials may be transmitted to the voter as provided in
7 subsection A of this section.

8 E. All other provisions of this title that would normally apply
9 to a ballot voted under this title apply to a ballot provided
10 pursuant to the provisions of subsection B of this section.

11 F. The Secretary of the State Election Board may suspend the
12 provisions of subsection B of this section if the Secretary
13 determines that electronic transmission of balloting materials is
14 not in the best interest of the people of this state due to a
15 potential problem with the security of the balloting materials.

16 SECTION 2. AMENDATORY 26 O.S. 2001, Section 14-120.1, as
17 last amended by Section 7, Chapter 272, O.S.L. 2009 (26 O.S. Supp.
18 2009, Section 14-120.1), is amended to read as follows:

19 Section 14-120.1 A. Notwithstanding any other law to the
20 contrary, any qualified elector who is covered by the federal
21 Uniformed and Overseas Absentee Voting Act of 1986, as amended, may
22 make written or electronic application within ninety (90) days
23 before an election for ~~presidential preference, presidential~~
24 ~~electors, or members of the United States Senate and United States~~

1 ~~House of Representatives~~ federal or statewide office to the
2 secretary of the county election board of residence of the elector
3 for a special write-in absentee ballot for the federal and statewide
4 ~~offices being contested~~ on the ballot in the election. The elector
5 shall be entitled, without being registered, if a qualified elector
6 in the precinct of residence, to receive the special write-in
7 absentee ballot.

8 B. Application shall be by using ~~Standard Form 76,~~ the Federal
9 Post Card Application for Absentee Ballot form, as provided for in
10 the federal Uniformed and Overseas Citizens Absentee Voting Act of
11 1986, as amended, or by letter or in electronic form setting forth
12 substantially the same facts.

13 C. Upon receipt of the application, the secretary of the county
14 election board shall issue to the elector the ballot which shall be
15 prescribed by the Secretary of the State Election Board, a list of
16 the offices to be voted upon, and other materials as described in
17 Section 14-119 of this title. As soon as a completed list of
18 nominated candidates including the party designations of the
19 candidates is available, the secretary shall send the list to each
20 applicant. If the list of candidates is not available when the
21 ballot is issued, the secretary shall include a statement indicating
22 that the list shall be mailed or electronically transmitted as soon
23 as it becomes available.

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1 D. The ballot shall permit the elector to vote by writing in
2 the names of specific candidates, the names of persons whom the
3 voter prefers, or, in the case of a general election, the party
4 preference for each office. The ballot shall be returned in the
5 manner specified in Section 14-120 of this title.

6 E. A voter who requests a special write-in absentee ballot
7 pursuant to the provisions of this section may also request regular
8 absentee ballots pursuant to the provisions of Section 14-116 of
9 this title. If the regular absentee ballots are properly returned,
10 the special write-in absentee ballot shall be deemed void and shall
11 be rejected without the opaque envelope being opened.

12 F. Special write-in absentee ballots shall be counted and
13 tabulated according to procedures prescribed by the Secretary of the
14 State Election Board.

15 SECTION 3. This act shall become effective July 1, 2010.

16 SECTION 4. It being immediately necessary for the preservation
17 of the public peace, health and safety, an emergency is hereby
18 declared to exist, by reason whereof this act shall take effect and
19 be in full force from and after its passage and approval.

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1 Passed the Senate the 24th day of February, 2010.

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4 Presiding Officer of the Senate

5 Passed the House of Representatives the ____ day of _____,
6 2010.

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9 Presiding Officer of the House
10 of Representatives