

1 ENGROSSED SENATE  
2 BILL NO. 458

By: Branan of the Senate  
and  
Duncan of the House

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6  
7 [ elections - absentee ballots - electronic  
8 application -

9 effective date ]  
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11 BE IT ENACTED BY THE PEOPLE OF THE STATE OF OKLAHOMA:

12 SECTION 1. AMENDATORY 26 O.S. 2001, Section 14-116, as  
13 amended by Section 14, Chapter 485, O.S.L. 2003 (26 O.S. Supp. 2008,  
14 Section 14-116), is amended to read as follows:

15 Section 14-116. Any qualified elector covered by the federal  
16 Uniformed and Overseas Citizens Absentee Voting Act of 1986, as  
17 amended, and the spouse or dependent of the elector may make written  
18 or electronic application to the secretary of the county election  
19 board in the county of the residence of the elector for absentee  
20 ballots and shall be entitled, without being registered to vote, to  
21 receive absentee ballots for all elections in which the elector is  
22 eligible to participate that occur both during the remainder of the  
23 calendar year in which the application is received and during the  
24 subsequent calendar year without requiring further application.

1 Voter registration in the county shall not be required for a  
2 qualified elector covered by the federal Uniformed and Overseas  
3 Citizens Absentee Voting Act of 1986, as amended, although the  
4 elector must be eligible to be registered to vote as provided by  
5 Section 4-101 of this title.

6 SECTION 2. AMENDATORY 26 O.S. 2001, Section 14-117, as  
7 amended by Section 15, Chapter 485, O.S.L. 2003 (26 O.S. Supp. 2008,  
8 Section 14-117), is amended to read as follows:

9 Section 14-117. Electors identified by Section 14-116 of this  
10 title may apply for absentee ballots as provided for in the federal  
11 Uniformed and Overseas Citizens Absentee Voting Act of 1986, as  
12 amended, or by letter setting forth substantially the same facts.  
13 Said application shall be transmitted by United States mail ~~or~~, by  
14 facsimile device as defined in Section 1862 of Title 21 of the  
15 Oklahoma Statutes or in an electronic form as provided in Section  
16 14-118 of this title, to the secretary of the county election board  
17 of the elector's residence.

18 SECTION 3. AMENDATORY 26 O.S. 2001, Section 14-118, as  
19 amended by Section 16, Chapter 485, O.S.L. 2003 (26 O.S. Supp. 2008,  
20 Section 14-118), is amended to read as follows:

21 Section 14-118. A. When an application for an absentee ballot  
22 pursuant to Section 14-117 of this title is received by the  
23 secretary of a county election board, it shall be the duty of the  
24 secretary to transmit, by United States mail ~~or~~, by facsimile device

1 as defined in Section 1862 of Title 21 of the Oklahoma Statutes, or  
2 as provided in subsection B of this section, the ballots which ~~said~~  
3 the elector has requested and is entitled to receive.

4 B. The secretary of the county election board may transmit  
5 balloting materials to an electronic mail address in a form and  
6 manner prescribed by the Secretary of the State Election Board if  
7 the voter:

8 1. Is a federal postcard application registrant and is eligible  
9 to receive an absentee ballot 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. 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 Open Records Act. The secretary of the county election board  
23 shall ensure that an electronic mail address provided under this  
24 section is excluded from disclosure.

1        D. All other provisions of this title that would normally apply  
2 to a ballot voted under this title apply to a ballot provided  
3 pursuant to the provisions of subsection B of this section.

4        E. The Secretary of the State Election Board may suspend the  
5 provisions of subsection B of this section if the Secretary  
6 determines that electronic transmission of balloting materials is  
7 not in the best interest of the people of this state due to a  
8 potential problem with the security of the balloting materials.

9        SECTION 4.        AMENDATORY        26 O.S. 2001, Section 14-119, is  
10 amended to read as follows:

11        Section 14-119. ~~Said ballots~~ Ballots transmitted pursuant to  
12 the provisions of subsection A of Section 14-118 of this title must  
13 be accompanied by:

14        1. A plain opaque envelope in which voted ballots must be  
15 placed by the voter;

16        2. An envelope bearing an affidavit stating that the voter is  
17 qualified to vote, that he or she has personally marked the ballots,  
18 and has not exhibited the marked ballots to any other person; and

19        3. A return envelope addressed to the secretary of the county  
20 election board.

21        Ballots transmitted to an electronic mail address pursuant to  
22 the provisions of subsection B of Section 14-118 of this title shall  
23 include a signature sheet for the voter and shall include  
24 instructions for return of the ballot by United States mail or a

1 private mail service, as prescribed by the Secretary of the State  
2 Election Board.

3 SECTION 5. AMENDATORY 26 O.S. 2001, Section 14-120, as  
4 amended by Section 18, Chapter 485, O.S.L. 2003 (26 O.S. Supp. 2008,  
5 Section 14-120), is amended to read as follows:

6 Section 14-120. The A. For ballots transmitted pursuant to the  
7 provisions of Section 14-118 of this title, the voter shall be  
8 required to mark the voter's ballots in ink or other manner as  
9 prescribed by the Secretary of the State Election Board, seal the  
10 ballots in the plain opaque envelope, fill out completely and sign  
11 the affidavit, seal the plain opaque envelope inside the envelope  
12 bearing the affidavit, and return both envelopes, sealed inside the  
13 return envelope, by United States mail or by a private mail service,  
14 provided such service has delivery documentation.

15 B. If a voter returns both a voted ballot mailed to the voter  
16 under subsection A of Section 14-118 of this title and a voted  
17 ballot provided electronically to the voter under subsection B of  
18 Section 14-118 of this title, only the first ballot received may be  
19 counted.

20 C. A ballot received by the county election board which was  
21 issued electronically shall be processed in the same manner as any  
22 other ballot voted by mail as provided by this title.

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1 SECTION 6. AMENDATORY 26 O.S. 2001, Section 14-120.1, as  
2 amended by Section 19, Chapter 485, O.S.L. 2003 (26 O.S. Supp. 2008,  
3 Section 14-120.1), is amended to read as follows:

4 Section 14-120.1 A. Notwithstanding any other law to the  
5 contrary, any qualified elector who is covered by the federal  
6 Uniformed and Overseas Absentee Voting Act of 1986, as amended, may  
7 make written or electronic application within ninety (90) days  
8 before an election for presidential preference, presidential  
9 electors, or members of the United States Senate and United States  
10 House of Representatives to the secretary of the county election  
11 board of residence of the elector for a special write-in absentee  
12 ballot for said federal offices being contested in the election.  
13 The elector shall be entitled, without being registered, if a  
14 qualified elector in the precinct of residence, to receive the  
15 special write-in absentee ballot.

16 B. Application shall be by using Standard Form 76, Post Card  
17 Application for Absentee Ballot, as provided for in the federal  
18 Uniformed and Overseas Citizens Absentee Voting Act of 1986, as  
19 amended, or by letter or in electronic form setting forth  
20 substantially the same facts.

21 C. Upon receipt of the application, the secretary of the county  
22 election board shall issue to the elector the ballot which shall be  
23 prescribed by the Secretary of the State Election Board, a list of  
24 the offices to be voted upon, and other materials as described in

1 Section 14-119 of this title. As soon as a completed list of  
2 nominated candidates including the party designations of the  
3 candidates is available, the secretary shall send the list to each  
4 applicant. If the list of candidates is not available when the  
5 ballot is issued, the secretary shall include a statement indicating  
6 that the list shall be mailed or electronically transmitted as soon  
7 as it becomes available.

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

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

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

22 SECTION 7. This act shall become effective January 1, 2010.  
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