



1 SECTION 2. NEW LAW A new section of law to be codified  
2 in the Oklahoma Statutes as Section 14-137 of Title 26, unless there  
3 is created a duplication in numbering, reads as follows:

4 As used in the Uniform Military and Overseas Voters Act:

5 1. "Covered voter" means:

- 6 a. a uniformed-service voter or an overseas voter who is  
7 registered to vote in this state,  
8 b. a uniformed-service voter defined in subparagraph a of  
9 paragraph 9 of this section, whose voting residence is  
10 in this state and who otherwise satisfies this state's  
11 voter eligibility requirements,  
12 c. an overseas voter who, before leaving the United  
13 States, was last eligible to vote in this state and,  
14 except for a state residency requirement, otherwise  
15 satisfies this state's voter eligibility requirements,  
16 d. an overseas voter who, before leaving the United  
17 States, would have been last eligible to vote in this  
18 state had the voter then been of voting age and,  
19 except for a state residency requirement, otherwise  
20 satisfies this state's voter eligibility requirements,  
21 or  
22 e. an overseas voter who was born outside the United  
23 States, is not described in subparagraph c or d of  
24 this paragraph, and, except for a state residency

1 requirement, otherwise satisfies this state's voter  
2 eligibility requirements, if:

3 (1) the last place where a parent or legal guardian  
4 of the voter was, or under this act would have  
5 been, eligible to vote before leaving the United  
6 States is within this state, and

7 (2) the voter has not previously registered to vote  
8 in any other state;

9 2. "Dependent" means an individual recognized as a dependent by  
10 a uniformed service;

11 3. "Federal postcard application" means the application  
12 prescribed under Section 101(b)(2) of the Uniformed and Overseas  
13 Citizens Absentee Voting Act, 42 U.S.C. Section 1973ff(b)(2);

14 4. "Federal write-in absentee ballot" means the ballot  
15 described in Section 103 of the Uniformed and Overseas Citizens  
16 Absentee Voting Act, 42 U.S.C. Section 1973ff-2;

17 5. "Military-overseas ballot" means:

- 18 a. a federal write-in absentee ballot,
- 19 b. a ballot specifically prepared or distributed for use  
20 by a covered voter in accordance with this act, or
- 21 c. a ballot cast by a covered voter in accordance with  
22 this act;

23 6. "Overseas voter" means a United States citizen who is  
24 outside the United States;

1 7. "State" means a state of the United States, the District of  
2 Columbia, Puerto Rico, the United States Virgin Islands, or any  
3 territory or insular possession subject to the jurisdiction of the  
4 United States;

5 8. "Uniformed service" means:

6 a. active and reserve components of the Army, Navy, Air  
7 Force, Marine Corps, or Coast Guard of the United  
8 States,

9 b. the Merchant Marine, the commissioned corps of the  
10 Public Health Service, or the commissioned corps of  
11 the National Oceanic and Atmospheric Administration of  
12 the United States, or

13 c. the National Guard and state militia;

14 9. "Uniformed-service voter" means an individual who is  
15 qualified to vote and is:

16 a. a member of the active or reserve components of the  
17 Army, Navy, Air Force, Marine Corps, or Coast Guard of  
18 the United States who is on active duty,

19 b. a member of the Merchant Marine, the commissioned  
20 corps of the Public Health Service, or the  
21 commissioned corps of the National Oceanic and  
22 Atmospheric Administration of the United States,

23 c. a member on activated status of the National Guard or  
24 state militia, or

1 d. a spouse or dependent of a member referred to in this  
2 paragraph; and

3 10. "United States", used in the territorial sense, means the  
4 several states, the District of Columbia, Puerto Rico, the United  
5 States Virgin Islands, and any territory or insular possession  
6 subject to the jurisdiction of the United States.

7 SECTION 3. NEW LAW A new section of law to be codified  
8 in the Oklahoma Statutes as Section 14-138 of Title 26, unless there  
9 is created a duplication in numbering, reads as follows:

10 The voting procedures in the Uniform Military and Overseas  
11 Voters Act apply to:

12 1. A general, special, presidential preferential primary,  
13 primary or runoff primary election for federal office;

14 2. A general, special, primary or runoff primary election for  
15 statewide or state legislative office or state ballot measure; and

16 3. A general, special, primary or runoff primary election for  
17 local government office or local ballot measure for which absentee  
18 voting or voting by mail is available for other voters.

19 SECTION 4. NEW LAW A new section of law to be codified  
20 in the Oklahoma Statutes as Section 14-139 of Title 26, unless there  
21 is created a duplication in numbering, reads as follows:

22 A. The Secretary of the State Election Board is the state  
23 official responsible for implementing the Uniform Military and  
24 Overseas Voters Act and the state's responsibilities under the

1 Uniformed and Overseas Citizens Absentee Voting Act, 42 U.S.C.  
2 Section 1973ff et seq.

3 B. The Secretary shall make available to covered voters  
4 information regarding voter registration procedures for covered  
5 voters and procedures for casting military-overseas ballots. The  
6 Secretary may delegate the responsibility under this subsection only  
7 to the state office designated in compliance with Section 102(b)(1)  
8 of the Uniformed and Overseas Citizens Absentee Voting Act, 42  
9 U.S.C. Section 1973ff-1(b)(1).

10 C. The Secretary shall establish an electronic transmission  
11 system through which a covered voter may apply for and receive voter  
12 registration materials, military-overseas ballots, and other  
13 information under this act.

14 D. The Secretary shall:

15 1. Develop standardized absentee-voting materials, including  
16 privacy and transmission envelopes and their electronic equivalents,  
17 authentication materials, and voting instructions, to be used with  
18 the military-overseas ballot of a voter authorized to vote in any  
19 jurisdiction in this state; and

20 2. To the extent reasonably possible, coordinate with other  
21 states to carry out this subsection.

22 E. The Secretary shall prescribe the form and content of a  
23 declaration for use by a covered voter to swear or affirm specific  
24 representations pertaining to the voter's identity, eligibility to

1 | vote, status as a covered voter, and timely and proper completion of  
2 | an overseas-military ballot. The declaration must be based on the  
3 | declaration prescribed to accompany a federal write-in absentee  
4 | ballot, as modified to be consistent with this act. The Secretary  
5 | shall ensure that a form for the execution of the declaration,  
6 | including an indication of the date of execution of the declaration,  
7 | is a prominent part of all balloting materials for which the  
8 | declaration is required.

9 | SECTION 5. NEW LAW A new section of law to be codified  
10 | in the Oklahoma Statutes as Section 14-140 of Title 26, unless there  
11 | is created a duplication in numbering, reads as follows:

12 | In registering to vote, an overseas voter who is eligible to  
13 | vote in this state shall use and must be assigned to the voting  
14 | precinct of the address of the last place of residence of the voter  
15 | in this state, or, in the case of a voter described by subparagraph  
16 | c of paragraph 1 of Section 2 of this act, the address of the last  
17 | place of residence in this state of the parent or legal guardian of  
18 | the voter. If that address is no longer a recognized residential  
19 | address, the voter must be assigned an address for voting purposes.

20 | SECTION 6. NEW LAW A new section of law to be codified  
21 | in the Oklahoma Statutes as Section 14-141 of Title 26, unless there  
22 | is created a duplication in numbering, reads as follows:

23 |  
24 |

1 A. To apply to register to vote, in addition to any other  
2 approved method, a covered voter may use a federal postcard  
3 application, or the application's electronic equivalent.

4 B. A covered voter may use the declaration accompanying a  
5 federal write-in absentee ballot to apply to register to vote  
6 simultaneously with the submission of the federal write-in absentee  
7 ballot. Such application shall be processed as provided in Section  
8 4-110.1 of Title 26 of the Oklahoma Statutes.

9 C. The Secretary of the State Election Board shall ensure that  
10 the electronic transmission system described in subsection C of  
11 Section 4 of this act is capable of accepting both a federal  
12 postcard application and any other approved electronic registration  
13 application sent to the appropriate election official. The voter  
14 may use the electronic transmission system or any other approved  
15 method to register to vote.

16 SECTION 7. NEW LAW A new section of law to be codified  
17 in the Oklahoma Statutes as Section 14-142 of Title 26, unless there  
18 is created a duplication in numbering, reads as follows:

19 A. A covered voter who is registered to vote in this state may  
20 apply for a military-overseas ballot using either the regular  
21 absentee ballot application in use in the voter's jurisdiction under  
22 Section 14-101 et seq. of Title 26 of the Oklahoma Statutes or the  
23 federal postcard application or the application's electronic  
24 equivalent.

1 B. A covered voter who is not registered to vote in this state  
2 may use a federal postcard application or the application's  
3 electronic equivalent to apply simultaneously to register to vote  
4 under Section 6 of this act and for a military-overseas ballot.

5 C. The Secretary of the State Election Board shall ensure that  
6 the electronic transmission system described in subsection C of  
7 Section 4 of this act is capable of accepting the submission of both  
8 a federal postcard application and any other approved electronic  
9 military-overseas ballot application sent to the appropriate  
10 election official. The voter may use the electronic transmission  
11 system or any other approved method to apply for a military-overseas  
12 ballot.

13 D. A covered voter may use the declaration accompanying a  
14 federal write-in absentee ballot as an application for a military-  
15 overseas ballot simultaneously with the submission of the federal  
16 write-in absentee ballot, if the declaration is received by the  
17 appropriate election official by the last day for other voters in  
18 this state to apply for an absentee ballot for that election  
19 pursuant to the provisions of Section 14-103 of Title 26 of the  
20 Oklahoma Statutes.

21 E. To receive the benefits of the Uniform Military and Overseas  
22 Voters Act, a covered voter must inform the appropriate election  
23 official that the voter is a covered voter. Methods of informing  
24

1 the appropriate election official that a voter is a covered voter  
2 include:

3 1. The use of a federal postcard application or federal write-  
4 in absentee ballot;

5 2. The use of an overseas address on an approved voter  
6 registration application or ballot application; and

7 3. The inclusion on an approved voter registration application  
8 or ballot application of other information sufficient to identify  
9 the voter as a covered voter.

10 F. This act does not preclude a covered voter from voting under  
11 the provisions of Section 14-101 et seq. of Title 26 of the Oklahoma  
12 Statutes.

13 SECTION 8. NEW LAW A new section of law to be codified  
14 in the Oklahoma Statutes as Section 14-143 of Title 26, unless there  
15 is created a duplication in numbering, reads as follows:

16 An application for a military-overseas ballot is timely if  
17 received by the last day for other voters in this state to apply for  
18 an absentee ballot for that election. An application for a  
19 military-overseas ballot for a primary election, whether or not  
20 timely, is effective as an application for a military-overseas  
21 ballot for the general election. An application for a military-  
22 overseas ballot is effective for a runoff election necessary to  
23 conclude the election for which the application was submitted.

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1 SECTION 9. NEW LAW A new section of law to be codified  
2 in the Oklahoma Statutes as Section 14-144 of Title 26, unless there  
3 is created a duplication in numbering, reads as follows:

4 A. For an election described in paragraph 1 or 2 of Section 3  
5 of this act for which this state has not received a waiver pursuant  
6 to Section 579 of the Military and Overseas Voter Empowerment Act,  
7 42 U.S.C. 1973ff-1(g) (2), not later than forty-five (45) days before  
8 the election or, if the forty-fifth day before the election is a  
9 weekend or holiday, not later than the business day preceding the  
10 forty-fifth day, the election official in each jurisdiction charged  
11 with distributing a ballot and balloting materials shall transmit a  
12 ballot and balloting materials to all covered voters who by that  
13 date submit a valid military-overseas ballot application.

14 B. A covered voter who requests that a ballot and balloting  
15 materials be sent to the voter by electronic transmission may choose  
16 facsimile transmission or electronic mail delivery, or, if offered  
17 by the voter's jurisdiction, Internet delivery. The election  
18 official in each jurisdiction charged with distributing a ballot and  
19 balloting materials shall transmit the ballot and balloting  
20 materials to the voter using the means of transmission chosen by the  
21 voter.

22 C. If a ballot application from a covered voter arrives after  
23 the jurisdiction begins transmitting ballots and balloting materials  
24 to voters, the official charged with distributing a ballot and

1 balloting materials shall transmit them to the voter not later than  
2 two business days after the application arrives.

3 SECTION 10. NEW LAW A new section of law to be codified  
4 in the Oklahoma Statutes as Section 14-145 of Title 26, unless there  
5 is created a duplication in numbering, reads as follows:

6 To be valid, a military-overseas ballot must be received by the  
7 appropriate local election official not later than the close of the  
8 polls, or the voter must submit the ballot for mailing, electronic  
9 transmission, or other authorized means of delivery not later than  
10 12:01 a.m., at the place where the voter completes the ballot, on  
11 the date of the election.

12 SECTION 11. NEW LAW A new section of law to be codified  
13 in the Oklahoma Statutes as Section 14-146 of Title 26, unless there  
14 is created a duplication in numbering, reads as follows:

15 A covered voter may use a federal write-in absentee ballot to  
16 vote for all offices and ballot measures in an election described in  
17 Section 3 of this act.

18 SECTION 12. NEW LAW A new section of law to be codified  
19 in the Oklahoma Statutes as Section 14-147 of Title 26, unless there  
20 is created a duplication in numbering, reads as follows:

21 A. A valid military-overseas ballot cast in accordance with  
22 Section 10 of this act must be counted if it is delivered by 7:00  
23 p.m. the day of the election to the address that the appropriate  
24 state or local election office has specified.

1 B. If, at the time of completing a military-overseas ballot and  
2 balloting materials, the voter has declared under penalty of perjury  
3 that the ballot was timely submitted, the ballot may not be rejected  
4 on the basis that it has a late postmark, an unreadable postmark, or  
5 no postmark.

6 SECTION 13. NEW LAW A new section of law to be codified  
7 in the Oklahoma Statutes as Section 14-148 of Title 26, unless there  
8 is created a duplication in numbering, reads as follows:

9 A military-overseas ballot must include or be accompanied by a  
10 declaration signed by the voter that a material misstatement of fact  
11 in completing the ballot may be grounds for a conviction of perjury  
12 under the laws of the United States or this state.

13 SECTION 14. NEW LAW A new section of law to be codified  
14 in the Oklahoma Statutes as Section 14-149 of Title 26, unless there  
15 is created a duplication in numbering, reads as follows:

16 The Secretary of the State Election Board, in coordination with  
17 local election officials, shall implement an electronic free-access  
18 system by which a covered voter may determine by telephone,  
19 electronic mail, or Internet whether:

20 1. The voter's federal postcard application or other  
21 registration or military-overseas ballot application has been  
22 received and accepted; and

23 2. The voter's military-overseas ballot has been received and  
24 the current status of the ballot.

1 SECTION 15. NEW LAW A new section of law to be codified  
2 in the Oklahoma Statutes as Section 14-150 of Title 26, unless there  
3 is created a duplication in numbering, reads as follows:

4 A. The local election official shall request an electronic-mail  
5 address from each covered voter who registers to vote after November  
6 1, 2011. An electronic-mail address provided by a covered voter may  
7 not be made available to the public or any individual or  
8 organization other than an authorized agent of the local election  
9 official and is exempt from disclosure under the Open Records Act.  
10 The address may be used only for official communication with the  
11 voter about the voting process, including transmitting military-  
12 overseas ballots and election materials if the voter has requested  
13 electronic transmission, and verifying the voter's mailing address  
14 and physical location. The request for an electronic-mail address  
15 must describe the purposes for which the electronic-mail address may  
16 be used and include a statement that any other use or disclosure of  
17 the electronic-mail address is prohibited.

18 B. A covered voter who provides an electronic-mail address may  
19 request that the voter's application for a military-overseas ballot  
20 be considered a standing request for electronic delivery of a ballot  
21 for all elections held through December 31 of the year following the  
22 calendar year of the date of the application or another shorter  
23 period the voter specifies, including for any runoff primary  
24 elections that occur as a result of such elections. An election

1 official shall provide a military-overseas ballot to a voter who  
2 makes a standing request for each election to which the request is  
3 applicable. A covered voter who is entitled to receive a military-  
4 overseas ballot for a primary election under this subsection is  
5 entitled to receive a military-overseas ballot for the general  
6 election.

7 SECTION 16. NEW LAW A new section of law to be codified  
8 in the Oklahoma Statutes as Section 14-151 of Title 26, unless there  
9 is created a duplication in numbering, reads as follows:

10 A. At least one hundred (100) days before a regularly scheduled  
11 election and as soon as practicable before an election not regularly  
12 scheduled, an official in each jurisdiction charged with printing  
13 and distributing ballots and balloting material shall prepare an  
14 election notice for that jurisdiction, to be used in conjunction  
15 with a federal write-in absentee ballot. The election notice must  
16 contain a list of all of the ballot measures and federal, state, and  
17 local offices that as of that date the official expects to be on the  
18 ballot on the date of the election. The notice also must contain  
19 specific instructions for how a voter is to indicate on the federal  
20 write-in absentee ballot the voter's choice for each office to be  
21 filled and for each ballot measure to be contested.

22 B. A covered voter may request a copy of an election notice.  
23 The official charged with preparing the election notice shall send  
24 the notice to the voter by facsimile, electronic mail, or regular

1 mail, as the voter requests.

2 C. As soon as ballot styles are certified, and not later than  
3 the date ballots are required to be transmitted to voters under  
4 Section 14-106 of Title 26 of the Oklahoma Statutes, the official  
5 charged with preparing the election notice under subsection A of  
6 this section shall update the notice with the certified candidates  
7 for each office and ballot measure questions and make the updated  
8 notice publicly available.

9 D. A local election jurisdiction that maintains an Internet  
10 website shall make the election notice prepared under subsection A  
11 of this section and updated versions of the election notice  
12 regularly available on the website.

13 SECTION 17. NEW LAW A new section of law to be codified  
14 in the Oklahoma Statutes as Section 14-152 of Title 26, unless there  
15 is created a duplication in numbering, reads as follows:

16 A. If a voter's mistake or omission in the completion of a  
17 document under the Uniform Military and Overseas Voters Act does not  
18 prevent determining whether a covered voter is eligible to vote, the  
19 mistake or omission does not invalidate the document. Failure to  
20 satisfy a nonsubstantive requirement, such as using paper or  
21 envelopes of a specified size or weight, does not invalidate a  
22 document submitted under this act. In a write-in ballot authorized  
23 by this act, if the intention of the voter is discernable under this  
24 state's uniform definition of what constitutes a vote, an

1 abbreviation, misspelling, or other minor variation in the form of  
2 the name of a candidate or a political party must be accepted as a  
3 valid vote.

4 B. Notarization is not required for the execution of a document  
5 under this act. An authentication, other than the declaration  
6 specified in Section 13 of this act or the declaration on the  
7 federal postcard application and federal write-in absentee ballot,  
8 is not required for execution of a document under this act. The  
9 declaration and any information in the declaration may be compared  
10 with information on file to ascertain the validity of the document.

11 SECTION 18. NEW LAW A new section of law to be codified  
12 in the Oklahoma Statutes as Section 14-153 of Title 26, unless there  
13 is created a duplication in numbering, reads as follows:

14 A court may issue an injunction or grant other equitable relief  
15 appropriate to ensure substantial compliance with, or enforce, the  
16 Uniform Military and Overseas Voters Act on application by:

- 17 1. A covered voter alleging a grievance under this act; or
- 18 2. An election official in this state.

19 SECTION 19. NEW LAW A new section of law to be codified  
20 in the Oklahoma Statutes as Section 14-154 of Title 26, unless there  
21 is created a duplication in numbering, reads as follows:

22 In applying and construing the Uniform Military and Overseas  
23 Voters Act, consideration must be given to the need to promote  
24 uniformity of the law with respect to its subject matter among

1 states that enact it.

2 SECTION 20. NEW LAW A new section of law to be codified  
3 in the Oklahoma Statutes as Section 14-155 of Title 26, unless there  
4 is created a duplication in numbering, reads as follows:

5 The Uniform Military and Overseas Voters Act modifies, limits,  
6 and supersedes the Electronic Signatures in Global and National  
7 Commerce Act, 15 U.S.C. Section 7001 et seq., but does not modify,  
8 limit, or supersede Section 101(c) of that act, 15 U.S.C. Section  
9 7001(c), or authorize electronic delivery of any of the notices  
10 described in Section 103(b) of that act, 15 U.S.C. Section 7003(b).

11 SECTION 21. REPEALER 26 O.S. 2001, Sections 14-116 and  
12 14-117, as last amended by Sections 1 and 2, Chapter 272, O.S.L.  
13 2009, 14-118, as last amended by Section 1, Chapter 149, O.S.L.  
14 2010, Section 17, Chapter 485, O.S.L. 2003, as amended by Section 4,  
15 Chapter 272, O.S.L. 2009, 14-119 and 14-120, as amended by Sections  
16 5 and 6, Chapter 272, O.S.L. 2009 and 14-120.1, as last amended by  
17 Section 2, Chapter 149, O.S.L. 2010 (26 O.S. Supp. 2010, Sections  
18 14-116, 14-117, 14-118, 14-118.1, 14-119, 14-120 and 14-120.1), are  
19 hereby repealed.

20 SECTION 22. This act shall become effective November 1, 2011.

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22 COMMITTEE REPORT BY: COMMITTEE ON RULES, dated 04-07-2011 - DO PASS,  
23 As Amended.

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