

1 **SENATE FLOOR VERSION**

2 February 20, 2013

3 SENATE BILL NO. 80

By: Crain of the Senate

4 and

5 Dorman of the House

6  
7  
8 An Act relating to absentee ballots; amending 26 O.S.  
9 2011, Sections 14-123 and 14-125, which relate to  
10 counting of absentee ballots; allowing procedure to  
11 begin at earlier date or time; requiring approval of  
12 Secretary of State Election Board; setting forth  
13 procedures; prohibiting disclosure of results before  
14 certain date and time; providing for security of  
15 election results storage media; specifying certain  
16 duties of county election board and county sheriff;  
17 providing for feature of office or position for  
18 unauthorized disclosure; and providing an effective  
19 date.

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

21 SECTION 1. AMENDATORY 26 O.S. 2011, Section 14-123, is  
22 amended to read as follows:

23 Section 14-123. At 10 a.m. on Thursday preceding the election,  
24 or at such time thereafter as the county election board may desire,  
the county election board may meet and publicly remove the outer  
envelopes from all absentee ballots then received, examine and  
remove properly executed affidavits and place the plain opaque  
envelopes in a ballot box, locked with three locks. Said procedure

1 shall be repeated until such time as all ballots have been received;  
2 provided, this procedure may begin at an earlier date or time upon  
3 the written approval of the Secretary of the State Election Board.

4 SECTION 2. AMENDATORY 26 O.S. 2011, Section 14-125, is  
5 amended to read as follows:

6 Section 14-125. A. On the day of the election at such time as  
7 the secretary of the county election board may prescribe, the county  
8 election board shall meet at the county courthouse or at the offices  
9 of the county election board if located elsewhere to count absentee  
10 ballots in the following manner:

11 The ballot box containing the plain opaque envelopes shall be  
12 shaken to mix the envelopes, after which the box shall be opened,  
13 the envelopes removed, and the ballots counted by a voting device  
14 assigned to count absentee ballots and operated by persons appointed  
15 by the secretary of the county election board.

16 B. The procedure described in this section shall be repeated as  
17 is necessary until all ballots have been counted. In no event shall  
18 fewer than twelve ballots be counted at any time, unless fewer than  
19 twelve ballots are received in total or after the first count is  
20 made. The results of the absentee ballots shall not be printed,  
21 made known to any person nor announced earlier than 7:00 p.m. on the  
22 day of the election.

23 C. 1. Upon written approval by the Secretary of the State  
24 Election Board, the county election board may begin the process of

1 counting absentee ballots as described in this section on a date  
2 earlier than the day of the election, which shall not be earlier  
3 than the date established for examining absentee ballot affidavits  
4 described in Section 14-123 of this title. The results of the  
5 absentee ballots shall not be printed, made known to any person, nor  
6 announced earlier than 7:00 p.m. on the day of the election.

7 2. When the counting of absentee ballots occurs on a date prior  
8 to the day of the election, the county election board shall, without  
9 obtaining a printout of results, remove the election results storage  
10 media from the voting device and seal ballots counted that day in a  
11 transfer case which shall be secured by the sheriff of the county in  
12 the same manner as provided in Section 8-110 of this title. The  
13 election results storage media shall be sealed in a container  
14 prescribed by the Secretary of the State Election Board. The  
15 sheriff shall secure the sealed election results storage media  
16 container and return it to the county election board at the time the  
17 county election board next meets for the purpose of counting  
18 absentee ballots.

19 3. If there is a malfunction in such a way that the election  
20 results storage media used for absentee voting will not function,  
21 the sheriff is authorized to return the transfer cases containing  
22 absentee ballots to the county election board to be recounted as  
23 provided in Section 7-134.1 of this title.

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1        D. Any county election board secretary, member or employee who  
2 intentionally discloses the results of absentee ballots prior to  
3 7:00 p.m. on the day of the election shall forfeit his or her office  
4 or be terminated immediately from employment.

5            SECTION 3. This act shall become effective November 1, 2013.

6 COMMITTEE REPORT BY: COMMITTEE ON RULES  
7 February 20, 2013 - DO PASS  
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