

1 ENGROSSED SENATE
2 BILL NO. 80

By: Crain of the Senate

3 and

4 Dorman of the House

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

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

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

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

1 provided, this procedure may begin at an earlier date or time upon
2 the written approval of the Secretary of the State Election Board.

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

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

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

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

22 C. 1. Upon written approval by the Secretary of the State
23 Election Board, the county election board may begin the process of
24 counting absentee ballots as described in this section on a date

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

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

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

23 D. Any county election board secretary, member or employee who
24 intentionally discloses the results of absentee ballots prior to

1 7:00 p.m. on the day of the election shall forfeit his or her office
2 or be terminated immediately from employment.

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

4 Passed the Senate the 4th day of March, 2013.

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6 Presiding Officer of the Senate

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8 Passed the House of Representatives the ____ day of _____,
9 2013.

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11 Presiding Officer of the House
12 of Representatives
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