

STATE OF OKLAHOMA

1st Session of the 55th Legislature (2015)

SENATE BILL 310

By: Holt

AS INTRODUCED

An Act relating to elections; providing for all elections to be conducted by mail beginning with 2020 election cycle; specifying duties of Secretary of State Election Board and secretary of county election board; providing for establishment of certain rules; providing procedures for conduct of elections; specifying deadlines; requiring certain language on ballots; providing for delivery and return of ballots; providing procedures to obtain replacement ballot; specifying conditions for counting of ballot; requiring verification of signature; providing for codification; and providing an effective date.

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

SECTION 1. NEW LAW A new section of law to be codified in the Oklahoma Statutes as Section 7-102.2 of Title 26, unless there is created a duplication in numbering, reads as follows:

A. Beginning with the 2020 election cycle, all elections in this state shall be conducted by mail as provided in this section.

B. The Secretary of the State Election Board shall promulgate rules to:

1. Provide for uniformity in the conduct of state elections by mail; and

1 2. Prescribe the procedures for conducting elections by mail.

2 C. The Secretary by rule shall establish requirements and
3 criteria for the designation of places of deposit for the ballots
4 cast in an election. The rules shall also specify the dates and
5 times the places of deposit must be open and the security
6 requirements for the places of deposit. At a minimum, the places
7 designated under this section shall be open on the date of the
8 election for a period of eight (8) or more hours, but must be open
9 until at least 7:00 p.m. At each place of deposit designated under
10 this section, the secretary of the county election board shall
11 prominently display a sign stating that the location is an official
12 ballot drop site.

13 D. 1. Except as provided in paragraphs 2 and 3 of this
14 subsection, the secretary of the county election board shall mail by
15 nonforwardable mail an official ballot with a return identification
16 envelope and a secrecy envelope not sooner than the twentieth day
17 before the date of an election and not later than the fourteenth day
18 before the date of the election, to each registered voter of the
19 electoral district as of the twenty-first day before the date of the
20 election.

21 2. If the secretary of the county election board determines
22 that a registered voter of the electoral district as of the twenty-
23 first day before the date of the election does not receive daily
24 mail service from the United States Postal Service, the secretary of

1 the county election board shall mail by nonforwardable mail an
2 official ballot with a return identification envelope and a secrecy
3 envelope to the voter not sooner than the twentieth day before the
4 date of an election and not later than the eighteenth day before the
5 date of the election.

6 3. In the case of ballots to be mailed to addresses outside
7 this state to voters who are not military or overseas voters, the
8 secretary of the county election board may mail the ballots not
9 sooner than the twenty-ninth day before the date of the election.

10 E. For an election held on the date of a primary election:

11 1. The secretary of the county election board shall mail the
12 official ballot of a major political party to each voter who is
13 registered as being affiliated with the major political party as of
14 the twenty-first day before the date of the election;

15 2. The secretary of the county election board shall mail the
16 official ballot of a major political party to a voter designated as
17 Independent if the voter has applied for the ballot as provided in
18 this subsection and that party has provided under Section 1-104 of
19 Title 26 of the Oklahoma Statutes for a primary election that admits
20 voters designated as Independent; and

21 3. If the primary election ballot includes nonpartisan offices
22 or measures, the secretary of the county election board shall mail
23 to each voter who is not eligible to vote for party candidates a
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1 ballot limited to those offices and measures for which the voter is
2 eligible to vote.

3 F. The ballot shall contain the following warning:

4 "Any person who votes more than once at any election, who votes
5 in a precinct after having transferred voter registration to a new
6 precinct, or who, knowing that he or she is not eligible to vote at
7 an election, willfully votes at the election shall be deemed guilty
8 of a felony.

9 Any person who attempts to influence the vote of another by
10 means of force or intimidation, or any person who interferes with
11 the orderly and lawful conduct of an election, shall be deemed
12 guilty of a misdemeanor."

13 G. 1. Upon receipt of any ballot described in this section,
14 the voter shall mark the ballot, sign the return identification
15 envelope supplied with the ballot and comply with the instructions
16 provided with the ballot.

17 2. The voter may return the marked ballot to the secretary of
18 the county election board by United States mail or by depositing the
19 ballot at the office of the county election board, at any place of
20 deposit designated by the secretary of the county election board.

21 3. The ballot must be returned in the return identification
22 envelope. If the voter returns the ballot by mail, the voter must
23 provide the postage.
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1 4. Subject to paragraph 5 of this subsection, if another person
2 returns a ballot for a voter, the person shall deposit the ballot in
3 a manner described in paragraph 2 of this subsection not later than
4 two (2) days after receiving the ballot.

5 5. A ballot must be received at the office of the county
6 election board or at the designated place of deposit not later than
7 the end of the period determined under subsection C of this section
8 on the date of the election.

9 H. A voter may obtain a replacement ballot if the ballot is
10 destroyed, spoiled, lost or not received by the voter. Replacement
11 ballots shall be issued and processed as described in this section
12 and as provided by law. The secretary of the county election board
13 shall keep a record of each replacement ballot provided under this
14 subsection. Notwithstanding any deadline for mailing ballots in
15 subsection D of this section, a replacement ballot may be mailed,
16 made available in the office of the county election board or made
17 available at one central location in the electoral district in which
18 the election is conducted. The secretary of the county election
19 board shall designate the central location. A replacement ballot
20 need not be mailed after the fifth day before the date of the
21 election.

22 I. A ballot shall be counted only if:

23 1. It is returned in the return identification envelope;
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1 2. The envelope is signed by the voter to whom the ballot is
2 issued; and

3 3. The signature is verified as provided in subsection J of
4 this section.

5 J. The secretary of the county election board shall verify the
6 signature of each voter on the return identification envelope with
7 the signature on the voter's registration card, according to the
8 procedure provided by rules adopted by the Secretary of the State
9 Election Board. If the secretary of the county election board
10 determines that a voter to whom a replacement ballot has been issued
11 has voted more than once, the secretary of the county election board
12 shall count only one ballot cast by that voter.

13 K. At 7:00 p.m. on election day, voters who are at the office
14 of the county election board or a place of deposit designated under
15 subsection C of this section and who are in line waiting to vote or
16 deposit a voted ballot shall be considered to have begun the act of
17 voting.

18 SECTION 2. This act shall become effective November 1, 2015.
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