

1 STATE OF OKLAHOMA

2 2nd Session of the 55th Legislature (2016)

3 HOUSE BILL 3196

By: Munson

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5  
6 AS INTRODUCED

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

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

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

23 A. Beginning with the 2020 election cycle, all elections in  
24 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 shall 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 shall 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  
24

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 shall be returned in the return identification  
22 envelope. If the voter returns the ballot by mail, the voter shall  
23 provide the postage.

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 shall 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;

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, 2016.  
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20           55-2-8132           LRB           01/10/16  
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