

1 STATE OF OKLAHOMA

2 2nd Session of the 56th Legislature (2018)

3 COMMITTEE SUBSTITUTE  
4 FOR

5 HOUSE BILL NO. 3053

By: Hilbert

6  
7 COMMITTEE SUBSTITUTE

8 An Act relating to elections; amending 26 O.S. 2011,  
9 Sections 7-109 and 14-107, which relate to conduct of  
10 elections; allowing disclosure of certain ballots by  
11 specific means; and providing an effective date.

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

13 SECTION 1. AMENDATORY 26 O.S. 2011, Section 7-109, is  
14 amended to read as follows:

15 Section 7-109. No person shall, within the election enclosure,  
16 verbally disclose to any other person how he or she voted; nor shall  
17 any person expose his or her ballot to any other person within the  
18 election enclosure. A voter may take a digital image or photograph  
19 of his or her marked ballot and distribute or share the image via  
20 social media or by any other means if performed voluntarily and in  
21 compliance with state and federal law. Testimony as to how any  
22 individual cast his or her ballot, whether or not said ballot was  
23 lawfully cast, shall not be admissible as evidence in any court of  
24 law or public hearing in this state.

1       SECTION 2.       AMENDATORY       26 O.S. 2011, Section 14-107, is  
2 amended to read as follows:

3       Section 14-107. A. Absentee ballots must be accompanied by:

4       1. A plain opaque envelope in which voted ballots must be  
5 placed by the voter;

6       2. An envelope bearing an affidavit stating that the voter is  
7 qualified to vote, and that the voter has personally marked the  
8 ballots, and has not exhibited the marked ballots to any other  
9 person;

10       3. A return envelope addressed to the secretary of the county  
11 election board; and

12       4. A notice that it is illegal for a Notary Public in this  
13 state to charge a fee to notarize an official absentee ballot  
14 affidavit.

15       B. A voter may take a digital image or photograph of his or her  
16 marked absentee ballot and distribute or share the image via social  
17 media or by any other means if performed voluntarily and in  
18 compliance with state and federal law. Testimony as to how any  
19 individual cast his or her absentee ballot, whether or not said  
20 absentee ballot was lawfully cast, shall not be admissible as  
21 evidence in any court of law or public hearing in this state.  
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SECTION 3. This act shall become effective November 1, 2018.

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