

1 ENGROSSED HOUSE
2 BILL NO. 3053

By: Hilbert and Montgomery of
the House

3 and

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

22 SECTION 3. This act shall become effective November 1, 2018.
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1 Passed the House of Representatives the 20th day of February,
2 2018.

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4 Presiding Officer of the House
5 of Representatives

6 Passed the Senate the ____ day of _____, 2018.

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8 Presiding Officer of the Senate