

1 **HOUSE OF REPRESENTATIVES - FLOOR VERSION**

2 STATE OF OKLAHOMA

3 2nd Session of the 56th Legislature (2018)

4 COMMITTEE SUBSTITUTE
5 FOR
6 HOUSE BILL NO. 3053

By: Hilbert of the House

and

Paxton of the Senate

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10 COMMITTEE SUBSTITUTE

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

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

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

19 Section 7-109. No person shall, within the election enclosure,
20 verbally disclose to any other person how he or she voted; nor shall
21 any person expose his or her ballot to any other person within the
22 election enclosure. A voter may take a digital image or photograph
23 of his or her marked ballot and distribute or share the image via
24 social media or by any other means if performed voluntarily and in

1 compliance with state and federal law. Testimony as to how any
2 individual cast his or her ballot, whether or not said ballot was
3 lawfully cast, shall not be admissible as evidence in any court of
4 law or public hearing in this state.

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

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

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

10 2. An envelope bearing an affidavit stating that the voter is
11 qualified to vote, and that the voter has personally marked the
12 ballots, and has not exhibited the marked ballots to any other
13 person;

14 3. A return envelope addressed to the secretary of the county
15 election board; and

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

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

3 SECTION 3. This act shall become effective November 1, 2018.
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5 COMMITTEE REPORT BY: COMMITTEE ON ELECTIONS AND ETHICS, dated
6 02/14/2018 - DO PASS, As Amended and Coauthored.
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