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March 28, 2018

ENGROSSED HOUSE
BILL NO. 3053

By: Hilbert and Montgomery of
the House

and

Paxton of the Senate

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

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

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

Section 7-109. No person shall, within the election enclosure, verbally disclose to any other person how he or she voted; nor shall any person expose his or her ballot to any other person within the election enclosure. A voter may take a digital image or photograph of his or her marked ballot and distribute or share the image via social media or by any other means if performed voluntarily and in compliance with state and federal law. Testimony as to how any individual cast his or her ballot, whether or not said ballot was

1 lawfully cast, shall not be admissible as evidence in any court of
2 law or public hearing in this state.

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

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

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

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

12 3. A return envelope addressed to the secretary of the county
13 election board; and

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

17 B. A voter may take a digital image or photograph of his or her
18 marked absentee ballot and distribute or share the image via social
19 media or by any other means if performed voluntarily and in
20 compliance with state and federal law. Testimony as to how any
21 individual cast his or her absentee ballot, whether or not said
22 absentee ballot was lawfully cast, shall not be admissible as
23 evidence in any court of law or public hearing in this state.
24

SECTION 3. This act shall become effective November 1, 2018.

COMMITTEE REPORT BY: COMMITTEE ON RULES
March 28, 2018 - DO PASS