

STATE OF OKLAHOMA

2nd Session of the 57th Legislature (2020)

SENATE BILL 1779

By: Treat

AS INTRODUCED

An Act relating to absentee ballots; defining term; prohibiting absentee ballot harvesting in certain elections; providing exceptions; amending 26 O.S. 2011, Sections 14-105, as amended by Section 4, Chapter 200, O.S.L. 2013, 14-106, 14-107, as amended by Section 2, Chapter 457, O.S.L. 2019, 14-108, as amended by Section 2, Chapter 237, O.S.L. 2016, Section 1, Chapter 26, O.S.L. 2012, as last amended by Section 1, Chapter 333, O.S.L. 2015, 14-110.1, as last amended by Section 5, Chapter 200, O.S.L. 2013, 14-111.1, 14-112.1, 14-113.2, 14-115, 14-115.1 and 14-118.1, as amended by Section 9, Chapter 200, O.S.L. 2013 (26 O.S. Supp. 2019, Sections 14-105, 14-107, 14-108, 14-108.1, 14-110.1 and 14-118.1), which relate to absentee voting; prohibiting application for or transmission of an absentee ballot for another person; prohibiting completion of application for another person; providing exception; clarifying language; adding required information to be included in certain notice; requiring certain accompanying items with absentee ballot; modifying requirements for return of absentee ballot; modifying delivery methods; modifying definitions; conforming language; requiring investigation of certain violations; modifying exception to certain notification requirements; modifying requirements for service as certain agent; requiring certain notice; modifying requirements for completion of certain ballot; authorizing certain assistance by absentee voting board members; establishing violations for certain coercion; adding requirements for certain agent; modifying requirements for establishment of voter incapacity; modifying format; amending 26 O.S. 2011, Sections 14-137 and 14-140, which relate to the Uniform Military and Overseas Voters Act; modifying

1 definition; modifying assignment of location for
2 voting; establishing felony offense; amending 26 O.S.
3 2011, Section 16-106, which relates to bribes to
4 influence votes; modifying elements of certain
5 offense; establishing misdemeanor offense; clarifying
6 language; making language gender neutral; updating
7 statutory language; providing for recodification;
8 providing for codification; and declaring an
9 emergency.

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

11 SECTION 1. NEW LAW A new section of law to be codified
12 in the Oklahoma Statutes as Section 14-101.1 of Title 26, unless
13 there is created a duplication in numbering, reads as follows:

14 A. For the purposes of this section, "absentee ballot
15 harvesting" means:

16 1. Collecting or obtaining an absentee ballot from another
17 person with the intent to submit, transmit or return the ballot to
18 election officials on behalf of that person;

19 2. Submitting, returning or transmitting an absentee ballot to
20 election officials on behalf of another person;

21 3. Collecting or obtaining an absentee ballot from another
22 person under a false pretense or promise of transmitting, returning
23 or submitting it to election officials on behalf of that person;

24 4. Requesting or receiving an absentee ballot on behalf of
25 another person;

1 5. Partially or fully completing an application for absentee
2 ballots on behalf of another person without that person's prior
3 consent; or

4 6. Notarizing or witnessing more absentee ballots than allowed
5 by law.

6 B. Absentee ballot harvesting shall be unlawful at any election
7 conducted by a county election board, the State Election Board or
8 any political subdivision of this state; provided, the following
9 shall not be deemed to be ballot harvesting:

10 1. An assistant or agent acting on behalf of a physically
11 incapacitated or emergency incapacitated voter as described in Title
12 26 of the Oklahoma Statutes;

13 2. An absentee voting board member, as described in Title 26 of
14 the Oklahoma Statutes, who assists a voter confined to a nursing
15 home or veterans center pursuant to law;

16 3. An employee of the Federal Voting Assistance Program, the
17 United States Department of Defense or the Oklahoma National Guard
18 who assists a uniformed-services voter in returning or transmitting
19 an absentee ballot;

20 4. A spouse, relative in the first or second degree, or
21 cohabitant of a voter who forwards an absentee ballot to the voter
22 when absent from the county;

23 5. A voter's spouse who, with the voter's consent, returns the
24 voter's absentee ballot by mail; or

1 6. An official action by an election official that is required
2 or authorized by law.

3 SECTION 2. AMENDATORY 26 O.S. 2011, Section 14-105, as
4 amended by Section 4, Chapter 200, O.S.L. 2013 (26 O.S. Supp. 2019,
5 Section 14-105), is amended to read as follows:

6 Section 14-105. A. Any registered voter may apply for an
7 absentee ballot in person at the county election board, by United
8 States mail, ~~by telegraph~~, by facsimile device as defined in Section
9 1862 of Title 21 of the Oklahoma Statutes or by a means of
10 electronic communication designated by the Secretary of the State
11 Election Board.

12 B. The Secretary of the State Election Board shall prescribe a
13 form to be used for the application, although any application
14 setting forth substantially the same facts shall be valid.

15 C. 1. No person shall apply for an absentee ballot on behalf
16 of another person by any means described in subsection A of this
17 section, nor shall any person submit or transmit an absentee ballot
18 application on behalf of another person.

19 2. No person other than the applicant shall complete any
20 portion of the application; provided, an applicant may request
21 assistance to complete the application, and in such case the name
22 and address of residence of the person providing assistance shall be
23 provided on the application.

1 SECTION 3. AMENDATORY 26 O.S. 2011, Section 14-106, is
2 amended to read as follows:

3 Section 14-106. When ~~such~~ an application for an absentee ballot
4 as described in Section 14-105 of this title is received by the
5 secretary of a county election board, it shall be ~~his~~ the
6 secretary's duty to verify the registration of ~~said~~ the voter and to
7 transmit, by United States mail, the ballots which ~~said~~ the voter
8 has requested and is entitled to receive.

9 SECTION 4. AMENDATORY 26 O.S. 2011, Section 14-107, as
10 amended by Section 2, Chapter 457, O.S.L. 2019 (26 O.S. Supp. 2019,
11 Section 14-107), is amended to read as follows:

12 Section 14-107. A. Absentee ballots, as described in Section
13 14-105 of this title, must be accompanied by:

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

16 2. An envelope bearing an affidavit stating that the voter is
17 qualified to vote and that the voter has personally marked the
18 ballots, and has not exhibited the marked ballots to any other
19 person;

20 3. A return envelope addressed to the secretary of the county
21 election board; ~~and~~

22 4. A notice that ~~it~~ is;

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- 1 a. it is illegal for a Notary Public in this state to
2 charge a fee to notarize an official absentee ballot
- 3 affidavit,
- 4 b. only the voter who applied for the absentee ballot may
5 mark the absentee ballot, and
- 6 c. it is unlawful for a person other than the voter to
7 return or submit the absentee ballot on behalf of the
8 voter; and

9 5. Such other information the Secretary of the State Election
10 Board deems necessary.

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

18 SECTION 5. AMENDATORY 26 O.S. 2011, Section 14-108, as
19 amended by Section 2, Chapter 237, O.S.L. 2016 (26 O.S. Supp. 2019,
20 Section 14-108), is amended to read as follows:

21 Section 14-108. A. ~~The~~ 1. Upon receipt of an absentee ballot
22 requested pursuant to Section 14-105 of this title, the voter shall
23 be required to mark the ballot in ink or other manner as prescribed
24 by the Secretary of the State Election Board; seal the ballots in

1 the plain opaque envelope; fill out completely and sign the
2 affidavit, such signature to be notarized at no charge by a notary
3 public; seal the plain opaque envelope inside the envelope bearing
4 the affidavit ~~and.~~

5 2. The voter to whom the absentee ballot was issued shall
6 return both envelopes, sealed inside the return envelope, to the
7 county election board by ~~hand delivery,~~ one of the following
8 methods:

9 a. United States mail ~~or by a,~~

10 b. a private mail or delivery service, ~~provided such~~
11 ~~service has delivery documentation, to the county~~
12 ~~election board, or~~

13 c. in-person delivery as described in subsection C of
14 this section.

15 3. No person other than the voter to whom the absentee ballot
16 was issued may return or submit the absentee ballot to the county
17 election board.

18 B. No person who is a candidate for an office on the ballot, or
19 who is the chair ~~or,~~ treasurer of the campaign of such a candidate
20 for office, or who is related within the third degree of
21 consanguinity or affinity to a candidate on the ballot, may notarize
22 or witness any absentee ballot affidavit.

23 ~~B. The ballot shall not be notarized by any person whose name~~
24 ~~appears on the ballot as a candidate or by any campaign chairperson~~

1 ~~or campaign treasurer for a candidate whose name appears on the~~
2 ~~ballot.~~

3 C. ~~Any~~ 1. A voter who may hand delivers deliver his or her
4 absentee ballot accompanied by the notarized absentee ballot
5 affidavit in person to the county election board as provided in
6 subsection A of this section and shall provide proof of identity to
7 the secretary of the county election board ~~and shall hand deliver~~
8 ~~the ballot no~~ or a designee at the time of delivery.

9 2. a. Hand delivery of an absentee ballot shall be allowed
10 only during the regular business hours of the county
11 election board but shall not be allowed on the date of
12 the election.

13 b. An absentee ballot that is hand-delivered later than
14 the end of regular business hours on the day prior to
15 the date of the election, or that is hand delivered by
16 a person other than the voter to whom the absentee
17 ballot was issued, shall not be counted.

18 3. For purposes of this section,~~7~~:

19 a. "proof of identity" shall have the same meaning means
20 a photo identification document or voter
21 identification card as used described in subsection A
22 of Section 7-114 of this title, and

1 **b.** "regular business hours" means the time the office is
2 open for business to the general public on a given
3 day.

4 SECTION 6. AMENDATORY Section 1, Chapter 26, O.S.L.
5 2012, as last amended by Section 1, Chapter 333, O.S.L. 2015 (26
6 O.S. Supp. 2019, Section 14-108.1), is amended to read as follows:

7 Section 14-108.1. A. Neither a notary public nor an agent
8 working on behalf of a notary public shall be authorized to:

9 1. Request absentee ballots on behalf of a voter other than
10 himself or herself;

11 2. Assist a voter in requesting absentee ballots, other than
12 for himself or herself or a member of his or her household;

13 3. Receive by mail an absentee ballot on behalf of a voter,
14 other than for himself or herself or a member of his or her
15 household; or

16 4. Submit a completed absentee ballot on behalf of a voter
17 other than for himself or herself.

18 B. A notary public shall maintain a log of all absentee ballot
19 affidavits that he or she notarizes for a period of at least two (2)
20 years after the date of the election.

21 C. 1. A notary public shall be authorized to notarize a
22 maximum of twenty absentee ballot affidavits for a single election,
23 except as provided in paragraphs 2 and 3 of this subsection.

1 2. A notary public may be authorized to notarize more than
2 twenty absentee ballot affidavits with the written approval of the
3 secretary of the county election board.

4 3. The limitation required by this subsection shall not apply
5 to the notarizing of ~~ballots~~ absentee ballot affidavits at the place
6 of business of a notary public that is open to the general public,
7 during the normal business hours of the notary public; provided,
8 however, such limitations, provided in paragraph 1 of this
9 subsection, shall apply to any agency or other entity that provides
10 voter registration services as required by the National Voter
11 Registration Act of 1993 or by Sections 4-109.2 and 4-109.3 of this
12 title.

13 D. 1. If more than ten absentee ballots for a single election
14 are requested to be mailed to a single mailing address, the
15 secretary of the county election board shall immediately notify the
16 district attorney for that county and the Secretary of the State
17 Election Board.

18 2. Upon receipt of such notification, the district attorney, or
19 a member of law enforcement designated by the district attorney,
20 shall investigate any possible criminal violation of the law related
21 to the absentee ballot requests.

22 3. Provided, this notification requirement shall not apply to
23 requests for absentee ballots to be sent to the addresses of nursing
24 homes, veterans centers, medical facilities, multiunit housing,

1 ~~addresses of~~ installations of the Armed Forces of the United States
2 where uniformed or overseas voters as defined by the Uniformed and
3 Overseas Citizens Absentee Voting Act are stationed, or other
4 locations authorized in writing by the Secretary of the State
5 Election Board.

6 E. The provisions of this section shall only apply to an
7 election conducted by a county election board, ~~or~~ the State Election
8 Board or a political subdivision of this state.

9 SECTION 7. AMENDATORY 26 O.S. 2011, Section 14-110.1, as
10 last amended by Section 5, Chapter 200, O.S.L. 2013 (26 O.S. Supp.
11 2019, Section 14-110.1), is amended to read as follows:

12 Section 14-110.1. A. A registered voter who swears or affirms
13 that the voter is physically unable to vote in person at the
14 precinct on the day of the election because the voter is:

- 15 1. Physically incapacitated; or
16 2. Charged with the care of another person who is physically
17 incapacitated and who cannot be left unattended;
18 may apply for an absentee ballot.

19 B. Such applications may be made by United States mail, by
20 facsimile device as defined by Section 1862 of Title 21 of the
21 Oklahoma Statutes or by a means of electronic communication
22 designated by the Secretary of the State Election Board ~~or~~.

23 C. Such application may also be made in person at the office of
24 the county election board by an agent of the voter. ~~Such an~~

1 1. The agent shall be a person of the voter's choosing who is
2 at least sixteen (16) years of age and who is not employed by or
3 related within the third degree of consanguinity or affinity to any
4 person whose name appears on the ballot.

5 2. No person may be the agent for more than one voter at any
6 election; provided, a person may be the agent for more than one
7 first degree relative at an election.

8 3. The agent shall provide his or her legal name and address of
9 residence to the secretary of the county election board.

10 C. The Secretary of the State Election Board shall prescribe a
11 form to be used for the application described in this section,
12 although any application setting forth substantially the same facts
13 shall be valid.

14 SECTION 8. AMENDATORY 26 O.S. 2011, Section 14-111.1, is
15 amended to read as follows:

16 Section 14-111.1. When ~~such~~ an application for an absentee
17 ballot, as described in Section 14-110.1 of this title, is received
18 by the secretary of a county election board, it shall be his or her
19 duty to verify the registration of ~~said~~ the voter and to transmit,
20 by United States mail, the ballots which ~~said~~ the voter has
21 requested and is entitled to receive.

22 SECTION 9. AMENDATORY 26 O.S. 2011, Section 14-112.1, is
23 amended to read as follows:

24 Section 14-112.1. ~~Said~~ The ballots must be accompanied by:

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

3 2. An envelope bearing an affidavit stating that the voter is
4 qualified to vote, that ~~he~~ the voter has personally marked the
5 ballots or has directed a person chosen by the voter to mark the
6 ballots in accordance with the provisions of Section 7-123.3 of this
7 title; ~~and~~

8 3. A return envelope addressed to the secretary of the county
9 election board;

10 4. A notice that:

11 a. only the voter who applied for the absentee ballot, or
12 a person chosen by the voter in accordance with the
13 provisions of Section 7-123.3 of this title, may mark
14 the absentee ballot, and

15 b. only the voter who applied for the absentee ballot, or
16 a person chosen by the voter in accordance with the
17 provisions of Section 7-123.3 of this title, or the
18 agent described in Section 14-110.1 of this title, may
19 return the absentee ballot to the county election
20 board; and

21 5. Such other information the Secretary of the State Election
22 Board deems necessary.

23 SECTION 10. AMENDATORY 26 O.S. 2011, Section 14-113.2,
24 is amended to read as follows:
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1 Section 14-113.2. A. 1. The voter shall be responsible for
2 marking the ballots or directing a person chosen by the voter to
3 mark the ballots in accordance with the provisions of Section 7-
4 123.3 of this title and as prescribed by the Secretary of the State
5 Election Board;

6 2. The voter or a person chosen by the voter shall seal the
7 ballots in the plain opaque envelope;

8 3. The voter shall fill out completely and sign the affidavit
9 or direct a person chosen by the voter to sign the affidavit, ~~such~~
10 whose name and address of residence shall be noted on the affidavit;

11 4. The voter's signature ~~to~~ shall be witnessed by two persons,
12 who did not sign the affidavit, ~~whose~~ who shall be at least eighteen
13 (18) years of age and citizens of the United States. The signature,
14 printed name and address of residence of each witness shall appear
15 on the affidavit; and

16 5. The voter shall seal the plain opaque envelope inside the
17 envelope bearing the affidavit and return both envelopes, sealed
18 inside the return envelope, by United States mail or by a private
19 mail service, provided such service has delivery documentation, to
20 the county election board.

21 B. 1. No person, except members of absentee voting boards,
22 shall witness the signature of more than five affidavits of persons
23 who swear they are physically incapacitated and unable to vote in
24 person at their precinct on election day.

1 2. No person who is a candidate for an office on the ballot or
2 who is related within the third degree of consanguinity or affinity
3 to a candidate on the ballot may witness any absentee ballot
4 affidavit.

5 SECTION 11. AMENDATORY 26 O.S. 2011, Section 14-115, is
6 amended to read as follows:

7 Section 14-115. A. If the secretary of a county election board
8 receives a request from an incapacitated elector confined to a
9 nursing facility, as defined in Section 1-1902 of Title 63 of the
10 Oklahoma Statutes, or a veterans center established pursuant to
11 Title 72 of the Oklahoma Statutes within the county of the
12 jurisdiction of the secretary, the secretary shall cause to be
13 implemented the following procedures:

14 1. On the Thursday, Friday, Saturday or Monday preceding the
15 election, the absentee voting board shall deliver to each registered
16 voter who is confined to a nursing facility, as defined in Section
17 1-1902 of Title 63 of the Oklahoma Statutes, or a veterans center
18 established pursuant to Title 72 of the Oklahoma Statutes and who
19 requested ballots for an incapacitated voter ~~said~~ the ballots and
20 materials as may be necessary to vote same.

21 2. The voter must mark the ballots in the manner hereinbefore
22 provided in the presence of the absentee voting board, but in such a
23 manner as to make it impossible for any person other than the voter
24 to ascertain how ~~said~~ the ballots are marked. Insofar as is

1 possible, the voting procedure shall be the same as if the voter
2 were casting a vote in person at a precinct.

3 3. The voter shall then seal ~~said~~ the ballots in the plain
4 opaque envelope and shall seal ~~said~~ the plain opaque envelope in the
5 envelope bearing an affidavit. The voter must complete ~~said~~ the
6 affidavit, and the signature of the voter on same must be witnessed
7 by both members of the absentee voting board.

8 4. The envelope bearing an affidavit then must be sealed in the
9 return envelope, which shall be returned by the absentee voting
10 board to the secretary of the county election board on the same day
11 ~~said~~ the affidavit was executed.

12 5. Ballots cast in ~~said~~ the manner shall be counted in the same
13 manner as regular mail absentee ballots.

14 B. 1. The voter may request the assistance of the absentee
15 voting board members to mark a ballot, complete the affidavit, or
16 seal the envelopes as described in this section.

17 2. No person other than the members of the absentee voting
18 board may assist the voter.

19 C. 1. An administrator or employee of a nursing facility or
20 veterans center who attempts to coerce or influence the vote of a
21 person residing in or confined to that facility shall be deemed to
22 be in violation of Section 16-113 of this title.

23 2. An administrator or employee of a nursing facility or
24 veterans center who prevents or attempts to prevent a person

1 residing in or confined to that facility from voting pursuant to
2 this section shall be deemed to be in violation of Section 16-109 of
3 this title.

4 SECTION 12. AMENDATORY 26 O.S. 2011, Section 14-115.1,
5 is amended to read as follows:

6 Section 14-115.1. A. A registered voter who becomes
7 incapacitated after 5:00 p.m. on Tuesday preceding an election, and
8 who is unable to vote in person at the appropriate precinct on the
9 day of the election may make a written ~~request~~ application for an
10 absentee ballot. The ~~request~~ application shall be signed by the
11 voter, or signed by a witness at the voter's direction if the voter
12 is unable to sign his or her name, and shall be transmitted to the
13 secretary of the county election board.

14 B. The person transmitting ~~said request~~ the application on
15 behalf of the voter may be anyone of the voter's choosing at least
16 sixteen (16) years of age; provided, ~~said~~ the person is not employed
17 by nor related within the third degree of consanguinity or affinity
18 to any person whose name appears on the ballot. The person becomes
19 the voter's agent for purposes of voting by absentee ballot. The
20 agent shall provide his or her legal name and address of residence
21 to the secretary of the county election board.

22 C. The voter's ~~request~~ application must be accompanied by a
23 sworn statement by a duly licensed physician. ~~Expected or likely~~
24 ~~confinement for childbirth on election day is sufficient cause to~~

1 ~~entitle a voter to vote absentee pursuant to this section.~~ The
2 statement must attest to the fact that the voter is in fact unable
3 to vote in person at the appropriate precinct on the day of the
4 election because of a physical incapacity and that ~~said~~ the physical
5 incapacity originated after 5:00 p.m. on ~~Tuesday~~ Wednesday preceding
6 an election, and that the voter is of sound mind. The Secretary of
7 the State Election Board may prescribe forms to be used for the
8 physician's statement. For the purposes of this subsection, an
9 expected or likely confinement related to childbirth shall qualify
10 as physical incapacitation under this section and is sufficient
11 cause to entitle a voter to vote absentee pursuant to the provisions
12 of this section.

13 D. 1. Upon receipt of the voter's ~~request~~ application and
14 accompanying sworn physician's statement, the secretary of the
15 county election board shall issue to the voter's agent the
16 appropriate ballots and envelopes required for voting by
17 incapacitated voters. The ballots must be returned by the agent to
18 the secretary of the county election board no later than 7:00 p.m.
19 on the day of the election. No person may be the agent for more
20 than one voter at any election. Upon return of the absentee
21 ballots, the secretary of the county election board shall cause ~~said~~
22 the ballots to be processed in the same manner as is prescribed for
23 other absentee ballots.

1 SECTION 13. AMENDATORY 26 O.S. 2011, Section 14-118.1,
2 as amended by Section 9, Chapter 200, O.S.L. 2013 (26 O.S. Supp.
3 2019, Section 14-118.1), is amended to read as follows:

4 Section 14-118.1. A. In the event that an absentee ballot
5 mailed to a voter identified by Section 14-142 of this title or
6 otherwise transmitted to a voter as provided by law cannot be
7 received by the voter, voted and returned to the secretary of the
8 county election board in the county of the residence of the voter in
9 time to be counted, the secretary shall be authorized to transmit a
10 ballot for federal offices by facsimile device as defined in Section
11 1862 of Title 21 of the Oklahoma Statutes, provided that the voter
12 has made a timely application for an absentee ballot. The voter may
13 transmit by facsimile device the voted ballot only to the location
14 designated by the Secretary of the State Election Board.

15 B. Regular absentee ballots also shall be mailed to the voter,
16 and if the regular ballots are returned by the voter and received by
17 the secretary of the county election board in time to be counted,
18 the ballot transmitted by facsimile device shall not be counted.

19 C. The Secretary of the State Election Board shall promulgate
20 rules setting forth procedures and prescribe appropriate forms to
21 transmit and to receive absentee ballots pursuant to this section.

22 SECTION 14. AMENDATORY 26 O.S. 2011, Section 14-137, is
23 amended to read as follows:
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1 Section 14-137. As used in the Uniform Military and Overseas
2 Voters Act:

3 1. "Covered voter" means:

- 4 a. a uniformed-service voter or an overseas voter who is
5 registered to vote in this state,
- 6 b. a uniformed-service voter defined in subparagraph a of
7 paragraph 9 of this section, whose voting residence is
8 in this state and who otherwise satisfies this state's
9 voter eligibility requirements,
- 10 c. an overseas voter who, before leaving the United
11 States, was last eligible to vote in this state and,
12 except for a state residency requirement, otherwise
13 satisfies this state's voter eligibility requirements,
- 14 d. an overseas voter who, before leaving the United
15 States, would have been last eligible to vote in this
16 state had the voter then been of voting age and,
17 except for a state residency requirement, otherwise
18 satisfies this state's voter eligibility requirements,
19 or
- 20 e. an overseas voter who was born outside the United
21 States, is not described in subparagraph c or d of
22 this paragraph, and, except for a state residency
23 requirement, otherwise satisfies this state's voter
24 eligibility requirements, if:

- 1 (1) the last place where a parent or legal guardian
2 of the voter was, or under ~~this act~~ the Uniform
3 Military and Overseas Voters Act would have been,
4 eligible to vote before leaving the United States
5 is within this state, ~~and~~
6 (2) the voter has not previously registered to vote
7 in any other state, and
8 (3) the voter has not previously registered to vote
9 or voted in a nation other than the United
10 States;

11 2. "Dependent" means an individual recognized as a dependent by
12 a uniformed service;

13 3. "Federal postcard application" means the application
14 prescribed under Section 101(b)(2) of the Uniformed and Overseas
15 Citizens Absentee Voting Act, 42 U.S.C. Section 1973ff(b)(2);

16 4. "Federal write-in absentee ballot" means the ballot
17 described in Section 103 of the Uniformed and Overseas Citizens
18 Absentee Voting Act, 42 U.S.C. Section 1973ff-2;

19 5. "Military-overseas ballot" means:

- 20 a. a federal write-in absentee ballot,
21 b. a ballot specifically prepared or distributed for use
22 by a covered voter in accordance with ~~this act~~ the
23 Uniform Military and Overseas Voters Act, or
24

1 c. a ballot cast by a covered voter in accordance with
2 ~~this act~~ the Uniform Military and Overseas Voters Act;

3 6. "Overseas voter" means a United States citizen who is
4 outside the United States;

5 7. "State" means a state of the United States, the District of
6 Columbia, Puerto Rico, the United States Virgin Islands, or any
7 territory or insular possession subject to the jurisdiction of the
8 United States;

9 8. "Uniformed service" means:

10 a. active and reserve components of the Army, Navy, Air
11 Force, Marine Corps, or Coast Guard of the United
12 States,

13 b. the Merchant Marine, the commissioned corps of the
14 Public Health Service, or the commissioned corps of
15 the National Oceanic and Atmospheric Administration of
16 the United States, or

17 c. the National Guard and state militia;

18 9. "Uniformed-service voter" means an individual who is
19 qualified to vote and is:

20 a. a member of the active or reserve components of the
21 Army, Navy, Air Force, Marine Corps, or Coast Guard of
22 the United States who is on active duty,

23 b. a member of the Merchant Marine, the commissioned
24 corps of the Public Health Service, or the

- 1 commissioned corps of the National Oceanic and
2 Atmospheric Administration of the United States,
3 c. a member on activated status of the National Guard or
4 state militia, or
5 d. a spouse or dependent of a member referred to in this
6 paragraph; and

7 10. "United States", used in the territorial sense, means the
8 several states, the District of Columbia, Puerto Rico, the United
9 States Virgin Islands, and any territory or insular possession
10 subject to the jurisdiction of the United States.

11 SECTION 15. AMENDATORY 26 O.S. 2011, Section 14-140, is
12 amended to read as follows:

13 Section 14-140. In registering to vote, an overseas voter who
14 is eligible to vote in this state shall use and must be assigned to
15 the voting precinct of the address of the last place of residence of
16 the voter in this state, or, in the case of a voter described by
17 subparagraph c of paragraph 1 of Section ~~2 of this act~~ 14-137 of
18 this title, the address of the last place of residence in this state
19 of the parent or legal guardian of the voter. If that address is no
20 longer a recognized residential address, the voter must be assigned
21 ~~an address~~ to the polling place assigned to that geographic area for
22 voting purposes.

1 SECTION 16. NEW LAW A new section of law to be codified
2 in the Oklahoma Statutes as Section 16-104.1 of Title 26, unless
3 there is created a duplication in numbering, reads as follows:

4 A. It shall be a felony for any person to engage in or to
5 conspire to engage in absentee ballot harvesting as defined in
6 Section 1 of this act involving ten (10) or more absentee ballots at
7 any election conducted in this state by a county election board, the
8 State Election Board or a political subdivision of this state.

9 B. It shall be a felony for any person to direct or cause
10 another person or persons to commit acts of ballot harvesting
11 involving a total of ten (10) or more absentee ballots at any
12 election conducted in this state by a county election board, the
13 State Election Board or a political subdivision of this state.

14 SECTION 17. AMENDATORY 26 O.S. 2011, Section 16-106, is
15 amended to read as follows:

16 Section 16-106. Any person who offers, solicits or accepts
17 something of value intended to directly or indirectly influence the
18 vote of the person ~~soliciting or accepting same~~, or in exchange for
19 voting, not voting, registering to vote or applying for or returning
20 an absentee ballot, shall be deemed guilty of a felony.

21 SECTION 18. NEW LAW A new section of law to be codified
22 in the Oklahoma Statutes as Section 16-126 of Title 26, unless there
23 is created a duplication in numbering, reads as follows:

1 A. It shall be a misdemeanor for any person to engage in or to
2 conspire to engage in absentee ballot harvesting as defined in
3 Section 1 of this act involving fewer than ten (10) absentee ballots
4 at any election conducted in this state by a county election board,
5 the State Election Board, or a subdivision of this state.

6 B. It shall be a misdemeanor for any person to direct or cause
7 another person or persons to commit acts of ballot harvesting
8 involving a total of fewer than ten (10) absentee ballots at any
9 election conducted in this state by a county election board, the
10 State Election Board, or a subdivision of this state.

11 SECTION 19. RECODIFICATION 26 O.S. 2011, Section 14-118,
12 as amended by Section 8, Chapter 200, O.S.L. 2013 (26 O.S. Supp.
13 2019, Section 14-118), shall be recodified as Section 14-142.1 of
14 Title 26 of the Oklahoma Statutes, unless there is created a
15 duplication in numbering.

16 SECTION 20. RECODIFICATION 26 O.S. 2011, Section 14-
17 118.1, as amended by Section 9, Chapter 200, O.S.L. 2013 (26 O.S.
18 Supp. 2019, Section 14-118.1) and by Section 13 of this act, shall
19 be recodified as Section 14-142.2 of Title 26 of the Oklahoma
20 Statutes, unless there is created a duplication in numbering.

21 SECTION 21. It being immediately necessary for the preservation
22 of the public peace, health or safety, an emergency is hereby
23
24
25

1 declared to exist, by reason whereof this act shall take effect and
2 be in full force from and after its passage and approval.
3

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