

**COMMITTEE AMENDMENT**

HOUSE OF REPRESENTATIVES

State of Oklahoma

SPEAKER:

CHAIR:

I move to amend HB3321 \_\_\_\_\_  
Of the printed Bill  
Page \_\_\_\_\_ Section \_\_\_\_\_ Lines \_\_\_\_\_  
Of the Engrossed Bill

By striking the Title, the Enacting Clause, the entire bill, and by  
inserting in lieu thereof the following language:

**AMEND TITLE TO CONFORM TO AMENDMENTS**

Amendment submitted by: Nicole Miller

Adopted: \_\_\_\_\_

\_\_\_\_\_  
Reading Clerk

1 STATE OF OKLAHOMA

2 2nd Session of the 58th Legislature (2022)

3 PROPOSED COMMITTEE  
4 SUBSTITUTE  
5 FOR  
6 HOUSE BILL NO. 3321

By: Miller

7  
8 PROPOSED COMMITTEE SUBSTITUTE

9 An Act relating to elections; amending 26 O.S. 2021,  
10 Sections 4-121, 7-130, 7-136, 14-101.1, and 16-123,  
11 which relate to the election code; authorizing use of  
12 certain index list; requiring ballots be printed on  
13 paper; prohibiting watchers' appearance by electronic  
14 device; requiring ballots be reported from certain  
15 precinct; prohibiting connection of devices to  
16 Internet; modifying definition; authorizing reporting  
17 of voting crimes to Attorney General; providing for  
18 codification; and declaring an emergency.

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

SECTION 1. AMENDATORY 26 O.S. 2021, Section 4-121, is  
amended to read as follows:

Section 4-121. A. The Secretary of the State Election Board  
may join the State of Oklahoma as a member in one or more multistate  
voter list maintenance organizations including, but not limited to,  
the Electronic Registration Information Center (ERIC) or its  
successor. The Secretary is authorized to expend funds as available

1 for membership fees, dues and other expenses related to such  
2 membership.

3 B. Upon membership in an organization as provided in subsection  
4 A of this section, the Secretary of the State Election Board may  
5 provide voter registration data to the organization and the  
6 Department of Public Safety may provide motor vehicle license data  
7 to the organization if such data is required to be provided as a  
8 condition of membership. The voter registration data and motor  
9 vehicle license data described in this subsection may include a  
10 person's name, address, date of birth, driver license or state  
11 identification number, last four digits of a social security number  
12 or any other data required by the organization. The transmission  
13 and storage of such data shall be done in a secure manner.

14 C. If a multistate voter list maintenance organization of which  
15 this state is a member identifies Oklahoma residents who are  
16 citizens of the United States eligible to vote but not yet  
17 registered, the Secretary of the State Election Board may notify  
18 such citizens about the procedure for becoming a registered voter in  
19 this state. The Secretary may delegate the contacting of such  
20 citizens to the secretary of the appropriate county election board.

21 D. If a multistate voter list maintenance organization of which  
22 this state is a member provides United States Postal Service  
23 National Change of Address data regarding registered voters who have  
24 changed their address of residence within the state, the Secretary

1 of the State Election Board may use the data pursuant to the  
2 provisions of Section 4-118.1, 4-120.2 or 7-115.1 of Title 26 of the  
3 Oklahoma Statutes or the federal National Voter Registration Act.

4 E. If a multistate voter list maintenance organization of which  
5 this state is a member provides access to the Social Security  
6 Administration master death index list, or provides a list of  
7 Oklahoma voters who match persons on the Social Security  
8 Administration master death index list, then the Secretary of the  
9 State Election Board may use the data pursuant to the provisions of  
10 subsection F of Section 4-120.3 of this title.

11 SECTION 2. NEW LAW A new section of law to be codified  
12 in the Oklahoma Statutes as Section 6-104.1 of Title 26, unless  
13 there is created a duplication in numbering, reads as follows:

14 All ballots used for any election shall be printed on paper to  
15 ensure a fair and accurate count; provided, each precinct polling  
16 place and in-person absentee voting location shall provide a means  
17 for a blind or visually impaired voter to cast a ballot privately  
18 and independently, in a manner to be determined by the Secretary of  
19 the State Election Board.

20 SECTION 3. AMENDATORY 26 O.S. 2021, Section 7-130, is  
21 amended to read as follows:

22 Section 7-130. Any candidate or any recognized political party  
23 shall be entitled to have a watcher present at any place where an  
24 official count is being conducted. Such watcher must be

1 commissioned in writing by the candidate, or by the chair of the  
2 recognized political party of the county in which the watcher is  
3 being authorized. Such commission must be filed with the secretary  
4 of the appropriate county election board no later than 5:00 p.m. on  
5 Wednesday preceding the election. Watchers must subscribe to an  
6 oath to observe all laws and rules prescribed for watchers as  
7 hereinafter provided. Such oath must be administered by the  
8 inspector of the precinct in which the watcher is authorized.  
9 Watchers shall be entitled to observe the voting device both before  
10 the polls are opened and after the polls are closed; provided,  
11 further, that such watchers shall not be present at the polling  
12 place at other times. Watchers may be commissioned to observe  
13 voting device testing and to accompany personnel assigned to repair  
14 or maintain machines during the period of the election. In such  
15 case, the watchers shall be limited to observing the repair or  
16 maintenance work being performed and making a written record of such  
17 work. All watchers shall only appear in person and the use of  
18 watchers via electronic devices is prohibited. Any watcher who  
19 violates the law prescribed for watchers shall be deemed guilty of a  
20 misdemeanor.

21 SECTION 4. AMENDATORY 26 O.S. 2021, Section 7-136, is  
22 amended to read as follows:

23 Section 7-136. A. The county election board shall convene at  
24 the county courthouse, or at such other place as the county election

1 board may designate on the day of each election, for the purpose of  
2 receiving the official precinct returns and shall remain in session  
3 until such precinct returns are all delivered. The board shall  
4 cause to be accumulated and listed the results of such election, as  
5 the official precinct returns are received, in a manner and upon  
6 forms prescribed by the Secretary of the State Election Board. The  
7 county election board shall use such precinct returns to certify the  
8 results of such election for county officers and questions and shall  
9 transmit electronically or in writing as prescribed by the Secretary  
10 of the State Election Board after 5 p.m. on Friday following the  
11 election to the State Election Board the completed county returns  
12 for all state officers and questions. Such county returns shall be  
13 prima facie evidence of the correctness of the result in the several  
14 counties. The State Election Board shall use such county returns to  
15 certify the results of such election for all state officers and  
16 questions after 5 p.m. on Tuesday next succeeding the election.

17 B. For all elections conducted after July 1, 2022, the official  
18 returns for each precinct in this state shall include the votes cast  
19 by all voters assigned to that precinct, including in-person and  
20 absentee votes.

21 SECTION 5. NEW LAW A new section of law to be codified  
22 in the Oklahoma Statutes as Section 9-121 of Title 26, unless there  
23 is created a duplication in numbering, reads as follows:

1        Devices or equipment used by the State Election Board or a  
2 county election board to count or tabulate ballots shall be  
3 prohibited from connecting to the Internet. Provided, this shall  
4 not serve to prohibit a secure network connection between the State  
5 Election Board and a county election board for the purpose of  
6 transmitting or receiving voter registration or election-related  
7 data.

8        SECTION 6.        AMENDATORY        26 O.S. 2021, Section 14-101.1, is  
9 amended to read as follows:

10       Section 14-101.1 A. For the purposes of this section,  
11 "absentee ballot harvesting" means:

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

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

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

20       4. Requesting or receiving an absentee ballot on behalf of  
21 another person;

22       5. Distributing an absentee ballot application or request to a  
23 voter using the official letterhead of a candidate or elected  
24 official;

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

4        ~~6.~~ 7. Notarizing or witnessing more absentee ballots than  
5 allowed 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. A voter's assistant or agent acting pursuant to law as  
11 otherwise allowed by Title 26 of the Oklahoma Statutes;

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

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

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

22       5. A voter's spouse who, with the voter's consent, returns the  
23 voter's absentee ballot by mail; or  
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1        6. An official action by an election official that is required  
2 or authorized by law.

3        SECTION 7.        AMENDATORY        26 O.S. 2021, Section 16-123, is  
4 amended to read as follows:

5        Section 16-123. A. The Secretary of the State Election Board  
6 or any county election board who has documents that appear to be  
7 evidence of voter registration or voting crimes shall notify the  
8 district attorney for the county or counties involved and the Office  
9 of the Attorney General.

10        B. When presented with documentation of possible voter  
11 registration or voting crimes by the Secretary of the State Election  
12 Board or any county election board, a district attorney shall  
13 investigate and, within thirty (30) days and each thirty (30) days  
14 thereafter following receipt of such documentation, report in  
15 writing to the Secretary of the State Election Board or county  
16 election board the status of the investigation until charges are  
17 filed or the district attorney declines to file charges.

18        SECTION 8. It being immediately necessary for the preservation  
19 of the public peace, health or safety, an emergency is hereby  
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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.

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