

STATE OF OKLAHOMA

2nd Session of the 58th Legislature (2022)

COMMITTEE SUBSTITUTE
FOR

HOUSE BILL NO. 3321

By: Miller

COMMITTEE SUBSTITUTE

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

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:
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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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