

1 ENGROSSED SENATE  
2 BILL NO. 714

By: Jech of the Senate

3 and

4 Newton of the House  
5  
6

7 An Act relating to elections; amending 26 O.S. 2011,  
8 Sections 14-103, as amended by Section 2, Chapter  
9 151, O.S.L. 2020, 14-108, as amended by Section 2,  
10 Chapter 237, O.S.L. 2016, 14-113.2, 14-115, as  
11 amended by Section 9, Chapter 151, O.S.L. 2020, 14-  
12 115.1, as amended by Section 10, Chapter 151, O.S.L.  
13 2020 and Section 6, Chapter 200, O.S.L. 2013 (26 O.S.  
14 Supp. 2020, Sections 14-103, 14-108, 14-113.2, 14-  
15 115, 14-115.1 and 14-115.6), which relate to absentee  
16 ballots; modifying deadline for requests for absentee  
17 ballots; modifying procedures for return of absentee  
18 ballots; defining term; modifying requirements for  
19 marking and returning of absentee ballots for certain  
20 persons; modifying time for delivery of certain  
21 absentee ballots; establishing alternative procedures  
22 for delivery of absentee ballots under certain  
23 circumstances; requiring certain training program for  
24 acting absentee voting board; authorizing  
promulgation of certain rules by Secretary of State  
Election Board; modifying procedures for request and  
return of emergency incapacitated absentee ballots;  
requiring Secretary of State Election Board to  
prescribe certain forms; modifying requirements for  
emergency absentee ballots for certain deployments;  
establishing procedures for request for and return of  
accessible absentee ballot for blind or visually  
impaired voters; establishing procedures for return  
of spoiled absentee ballots and issuance of  
replacement ballots; authorizing the Secretary of the  
State Election Board to promulgate certain rules;  
updating statutory reference; providing for  
codification; providing an effective date; and  
declaring an emergency.

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

SECTION 1. AMENDATORY 26 O.S. 2011, Section 14-103, as amended by Section 2, Chapter 151, O.S.L. 2020 (26 O.S. Supp. 2020, Section 14-103), is amended to read as follows:

Section 14-103. ~~Absentee~~ Requests for absentee ballots must be ~~requested~~ received by the appropriate election officials no later than 5:00 p.m. on ~~Tuesday~~ the third Monday preceding an election.

SECTION 2. AMENDATORY 26 O.S. 2011, Section 14-108, as amended by Section 2, Chapter 237, O.S.L. 2016 (26 O.S. Supp. 2020, Section 14-108), is amended to read as follows:

Section 14-108. A. 1. The voter to whom the absentee ballot was issued shall be required to mark the absentee ballot in ink or other manner as prescribed by the Secretary of the State Election Board; seal the ballots in the plain opaque envelope; fill out completely and sign the affidavit, such signature to be notarized at no charge by a notary public; and seal the plain opaque envelope inside the envelope bearing the affidavit ~~and;~~

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

a. United States mail or ~~by~~ a private mail or delivery service, provided such service has delivery documentation, ~~to the county election board or~~

1            b. in-person delivery as provided in subsection C of this  
2            section; and

3            3. No person other than the voter to whom the absentee ballot  
4 was issued may return or submit the absentee ballot to the county  
5 election board; provided, however, the spouse of the voter may  
6 return the voter's absentee ballot with the permission of the voter  
7 by United States mail or private mail or delivery service as  
8 described in subparagraph a of paragraph 2 of this subsection.

9            B. No person who is a candidate for an office on the ballot or  
10 who is the chair or treasurer of the campaign of a candidate for  
11 office or who is related within the third degree of consanguinity or  
12 affinity to a candidate on the ballot may notarize or witness any  
13 absentee ballot affidavit.

14            ~~B. The ballot shall not be notarized by any person whose name~~  
15 ~~appears on the ballot as a candidate or by any campaign chairperson~~  
16 ~~or campaign treasurer for a candidate whose name appears on the~~  
17 ~~ballot.~~

18            C. 1. Any voter who may hand delivers deliver his or her  
19 absentee ballot sealed in the plain opaque envelope with the  
20 properly executed absentee ballot affidavit in person to the county  
21 election board as provided in subsection A of this section and shall  
22 provide proof of identity to the secretary of the county election  
23 board and shall hand deliver the ballot no later than the end of  
24

1 ~~regular business hours on the day prior to the date of the election~~  
2 or the secretary's designee at the time of delivery.

3 2. An absentee ballot may be delivered in person during the  
4 regular business hours of the county election board on any day prior  
5 to the date of the election but may not be delivered on the day of  
6 the election.

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

8 a. "proof of identity" ~~shall have the same meaning as~~  
9 ~~used~~ means a photo identification document or voter  
10 identification card described in subsection A of  
11 Section 7-114 of this title, and

12 b. "regular business hours" means the time the office of  
13 the county election board is open for business to the  
14 general public on a given day.

15 SECTION 3. AMENDATORY 26 O.S. 2011, Section 14-113.2, is  
16 amended to read as follows:

17 Section 14-113.2. A. ~~The~~ 1. A voter who receives an absentee  
18 ballot pursuant to Section 14-110.1 of this title shall be  
19 responsible for marking the ~~ballots~~ ballot or directing a person  
20 chosen by the voter to mark the ~~ballots~~ ballot in accordance with  
21 the provisions of Section 7-123.3 of this title and as prescribed by  
22 the Secretary of the State Election Board.~~+~~

23 2. The voter shall seal the ballots in the plain opaque  
24 envelope.~~+~~

1        3. The voter shall fill out completely and sign the affidavit  
2 or direct a person chosen by the voter to sign the affidavit, ~~such~~  
3 whose name and address of residence shall be printed on the  
4 affidavit.

5        4. The signature ~~to~~ of the voter shall be witnessed by two  
6 persons, who did not sign the affidavit on behalf of the voter,  
7 whose printed name, signature and address of residence shall appear  
8 on the affidavit~~+~~.

9        5. The voter shall seal the plain opaque envelope inside the  
10 envelope bearing the affidavit and return both envelopes, sealed  
11 inside the return envelope, ~~by United States mail or by a private~~  
12 ~~mail service, provided such service has delivery documentation, to~~  
13 ~~the county election board~~ in the same manner described in Section  
14 14-108 of this title.

15        B. No person, except members of absentee voting boards, shall  
16 witness the signature of more than five affidavits of persons who  
17 swear they are physically incapacitated and unable to vote in person  
18 at their precinct on election day. No person who is a candidate for  
19 an office on the ballot or who is related within the third degree of  
20 consanguinity or affinity to a candidate on the ballot may witness  
21 any absentee ballot affidavit.

22        SECTION 4.        AMENDATORY        26 O.S. 2011, Section 14-115, as  
23 amended by Section 9, Chapter 151, O.S.L. 2020 (26 O.S. Supp. 2020,  
24 Section 14-115), is amended to read as follows:

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

8       1. On ~~the Thursday, Friday, Saturday or Monday~~ preceding any  
9 day following the deadline to request an absentee ballot as provided  
10 in Section 14-103 of this title, but prior to the date of the  
11 election, the absentee voting board shall deliver to each registered  
12 voter who is confined to a nursing facility, as defined in Section  
13 1-1902 of Title 63 of the Oklahoma Statutes, or a veterans center  
14 established pursuant to Title 72 of the Oklahoma Statutes and who  
15 requested ballots for an incapacitated voter the ballots and  
16 materials as may be necessary to vote same. The date and time of  
17 such delivery shall be determined by the secretary of the county  
18 election board.

19       2. The voter must mark the ballots in the manner hereinbefore  
20 provided in the presence of the absentee voting board, but in such a  
21 manner as to make it impossible for any person other than the voter  
22 to ascertain how the ballots are marked. Insofar as is possible,  
23 the voting procedure shall be the same as if the voter were casting  
24 a vote in person at a precinct.

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

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

10       5. Ballots cast in such manner shall be counted in the same  
11 manner as regular mail absentee ballots.

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

15       C. 1. An administrator or employee of a nursing facility or  
16 veterans center who attempts to coerce or influence the vote of a  
17 person residing in or confined to that facility shall be deemed to  
18 be in violation of Section 16-109 of this title.

19       2. An administrator or employee of a nursing facility or  
20 veterans center who prevents or attempts to prevent a person  
21 residing in or confined to that facility from voting pursuant to  
22 this section shall be deemed to be in violation of Section 16-113 of  
23 this title.  
24

1       D. In the event an absentee voting board is prohibited from  
2 entering a nursing facility or veterans center due to federal or  
3 state regulations related to a pandemic, epidemic or outbreak of a  
4 communicable disease affecting the facility, and if applications for  
5 an absentee ballot have been submitted pursuant to this section by  
6 voters confined to the facility, the secretary of the county  
7 election board shall authorize the absentee voting board to deliver  
8 the absentee ballots to designated officials at the nursing facility  
9 or veterans center who shall serve as an acting absentee voting  
10 board. The members of the acting absentee voting board shall sign  
11 an oath acknowledging their duties and responsibilities and shall be  
12 authorized to carry out the duties otherwise assigned by law to the  
13 absentee voting board. The acting absentee voting board shall  
14 complete a training program prescribed by the Secretary of the State  
15 Election Board. The Secretary of the State Election Board may  
16 promulgate such rules and procedures as necessary to implement the  
17 requirements of this subsection, including election emergency  
18 procedures prescribed pursuant to the provisions Section 22-101 of  
19 this title.

20       SECTION 5.       AMENDATORY       26 O.S. 2011, Section 14-115.1, as  
21 amended by Section 10, Chapter 151, O.S.L. 2020 (26 O.S. Supp. 2020,  
22 Section 14-115.1), is amended to read as follows:

23       Section 14-115.1. A. A registered voter who becomes physically  
24 incapacitated after 5:00 p.m. on Tuesday preceding an election, the



1 deadline to request an absentee ballot as provided in Section 14-103  
2 of this title and is unable to vote in person at the appropriate  
3 precinct on the day of the election may make a written request for  
4 an emergency incapacitated absentee ballot. ~~The~~

5 B. 1. A request for an emergency incapacitated absentee ballot  
6 shall be signed by the voter or signed by a witness at the voter's  
7 direction if the voter is unable to sign his or her name, and shall  
8 be transmitted to the secretary of the county election board.

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

17 3. The voter's request must be accompanied by a sworn statement  
18 by a duly licensed physician. ~~Expected or likely confinement for~~  
19 ~~childbirth on election day is sufficient cause to entitle a voter to~~  
20 ~~vote absentee pursuant to this section.~~ The physician's statement  
21 must attest to the fact that the voter is in fact unable to vote in  
22 person at the appropriate precinct on the day of the election  
23 because of a physical incapacity and that the physical incapacity  
24 originated after ~~5:00 p.m. on Tuesday preceding an election~~ the

1 deadline to request an absentee ballot as provided in Section 14-103  
2 of this title. The Secretary of the State Election Board shall  
3 prescribe forms to be used for the physician's statement.

4     4. Upon receipt of the voter's request and accompanying sworn  
5 statement, the secretary of the county election board shall issue to  
6 the voter's agent the appropriate ballots and envelopes required for  
7 voting by incapacitated voters. The ballots must be returned by the  
8 agent to the secretary of the county election board no later than  
9 7:00 p.m. on the day of the election. No person may be the agent  
10 for more than one voter at any election. Upon return of the  
11 absentee ballots, the secretary of the county election board shall  
12 cause the ballots to be processed in the same manner as is  
13 prescribed for other absentee ballots.

14     C. The expected or likely confinement for childbirth on  
15 election day is sufficient cause to qualify as "physically  
16 incapacitated" for the purposes of this section.

17     SECTION 6.       AMENDATORY       Section 6, Chapter 200, O.S.L.  
18 2013 (26 O.S. Supp. 2020, Section 14-115.6), is amended to read as  
19 follows:

20     Section 14-115.6. A. A registered voter who, ~~within ten (10)~~  
21 ~~days preceding an election~~ after the deadline to request an absentee  
22 ballot as provided in Section 14-103 of this title, is deployed as a  
23 first responder or emergency worker to assist with the rescue,  
24 recovery, or relief efforts of a declared natural disaster or state

1 of emergency, may make a written request for an emergency absentee  
2 ballot in a form prescribed by the Secretary of the State Election  
3 Board. The request shall be signed by the voter and shall be  
4 provided by the voter to the secretary of the county election board  
5 in the county where the voter is registered. The request shall be  
6 accompanied by proof of the voter's deployment.

7 B. Upon receipt of the voter's request, the secretary of the  
8 county election board shall issue to the voter the appropriate  
9 ballots and envelopes required for voting an emergency absentee  
10 ballot. Provided, the voter shall present proof of identity as  
11 required by Section 7-114 of this title.

12 C. The ballots must be returned ~~in person~~ by the voter, ~~by~~  
13 ~~United States mail, or by other means of delivery approved by the~~  
14 ~~Secretary of the State Election Board, to~~ in the same manner as  
15 described in Section 14-108 of this title, and must be received by  
16 the secretary of the county election board no later than 7:00 p.m.  
17 on the day of the election.

18 D. Upon return of the absentee ballots, the secretary of the  
19 county election board shall cause the ballots to be processed in the  
20 same manner as is prescribed for other absentee ballots.

21 E. The Secretary of the State Election Board shall promulgate  
22 rules to implement the procedures described in this section.  
23  
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1       SECTION 7.       NEW LAW       A new section of law to be codified

2 in the Oklahoma Statutes as Section 115.12 of Title 14, unless there  
3 is created a duplication in numbering, reads as follows:

4       A.   1.   A registered voter who swears or affirms that the voter  
5 is physically unable to vote in person at the voter's precinct on  
6 the day of the election because the voter is blind or visually  
7 impaired may request that an accessible absentee ballot be delivered  
8 to the voter electronically in a manner prescribed by the Secretary  
9 of the State Election Board.

10       2.   An accessible absentee voting packet for blind or visually  
11 impaired voters, which shall include all necessary materials except  
12 the absentee ballot, shall be prescribed by the Secretary of the  
13 State Election Board. The accessible absentee voting packet may be  
14 delivered to the voter by United States mail or electronically.

15       B.   1.   The electronic delivery system shall provide the voter  
16 the opportunity to use the voter's personal computer to mark an  
17 accessible absentee ballot privately and independently and then  
18 print the marked ballot.

19       2.   The absentee ballot shall be accompanied by an absentee  
20 ballot affidavit, which shall be executed in the same manner as  
21 provided for affidavits in Section 14-113.2 of Title 26 of the  
22 Oklahoma Statutes.

23       3.   The voter shall return the absentee ballot and executed  
24 affidavit to the secretary of the county election board in the same

1 manner provided in Section 14-113.2 of Title 26 of the Oklahoma  
2 Statutes. Nothing in this section shall allow for an absentee  
3 ballot to be returned to the county election board electronically,  
4 and no absentee ballot returned electronically shall be eligible to  
5 be counted by a county election board.

6 C. A registered voter who is blind or visually impaired may  
7 choose to request the assistance of another person to complete any  
8 requirements of this section, as provided in Section 7-123.3 of  
9 Title 26 of the Oklahoma Statutes.

10 D. Upon return of an absentee ballot described in this section,  
11 the secretary of the county election board shall cause it to be  
12 processed in the same manner as prescribed by law for other absentee  
13 ballots.

14 E. Any person who is not blind or visually impaired according  
15 to state law, but who applies for an absentee ballot described in  
16 this section, shall be deemed guilty of a felony as provided in  
17 Section 16-102.2 of Title 26 of the Oklahoma Statutes.

18 F. The Secretary of the State Election Board may promulgate  
19 rules or procedures to implement the requirements of this section.

20 SECTION 8. NEW LAW A new section of law to be codified  
21 in the Oklahoma Statutes as Section 14-121.2 of Title 26, unless  
22 there is created a duplication in numbering, reads as follows:  
23  
24

1       A. If a voter spoils the absentee ballot, the voter may be  
2 issued a replacement absentee ballot by the secretary of the county  
3 election board.

4       B. 1. To receive a replacement absentee ballot the voter shall  
5 swear or affirm that the voter spoiled the absentee ballot and  
6 return the spoiled absentee ballot to the secretary of the county  
7 election board by United States mail or in person.

8       2. Upon receipt of a spoiled absentee ballot, the secretary of  
9 the county election board shall cause the ballot to be destroyed.

10      3. A spoiled absentee ballot returned by United States mail  
11 shall include an affidavit prescribed by the Secretary of the State  
12 Election Board in which the voter swears or affirms that he or she  
13 spoiled the original ballot, that the spoiled ballot is being  
14 returned to the secretary of the county election board and that the  
15 voter requests a replacement absentee ballot. The affidavit shall  
16 be personally signed by the voter and acknowledged before a notary  
17 public or witnesses in the same manner required for affidavits for  
18 the return of the type of absentee ballot originally requested.

19      4. A spoiled absentee ballot returned in person shall be  
20 returned by the voter who requested the absentee ballot. The voter  
21 shall provide proof of identity as described in subsection A of  
22 Section 7-114 of Title 26 of the Oklahoma Statutes to the secretary  
23 of the county election board or a designee. The voter shall execute  
24 an affidavit prescribed by the Secretary of the State Election Board

1 in which the voter swears or affirms that he or she spoiled the  
2 original ballot, that the spoiled absentee ballot has been returned  
3 to the secretary of the county election board and that the voter  
4 requests a replacement absentee ballot.

5 5. A replacement absentee ballot shall be transmitted by United  
6 States mail for a spoiled absentee ballot returned by the voter by  
7 United States mail. A replacement absentee ballot shall be provided  
8 in person for a spoiled absentee ballot returned by the voter in  
9 person.

10 C. The Secretary of the State Election Board may promulgate  
11 rules or procedures to implement the requirements of this section.

12 SECTION 9. Sections 1, 2, 3, 5, 6, 7 and 8 of this act shall  
13 become effective July 1, 2021.

14 SECTION 10. It being immediately necessary for the preservation  
15 of the public peace, health or safety, an emergency is hereby  
16 declared to exist, by reason whereof this act shall take effect and  
17 be in full force from and after its passage and approval.

1 Passed the Senate the 8th day of March, 2021.

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3 \_\_\_\_\_  
4 Presiding Officer of the Senate

5 Passed the House of Representatives the \_\_\_\_ day of \_\_\_\_\_,  
6 2021.

7  
8 \_\_\_\_\_  
9 Presiding Officer of the House  
10 of Representatives