

1 ENGROSSED HOUSE
2 BILL NO. 3321

By: Miller and Roe of the House
and
Stanley of the Senate

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7 [elections - requiring ballots be printed on paper -
8 prohibiting connection of devices to Internet -
9 emergency]
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12 BE IT ENACTED BY THE PEOPLE OF THE STATE OF OKLAHOMA:

13 SECTION 1. NEW LAW A new section of law to be codified
14 in the Oklahoma Statutes as Section 6-104.1 of Title 26, unless
15 there is created a duplication in numbering, reads as follows:

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

22 SECTION 2. AMENDATORY 26 O.S. 2021, Section 7-130, is
23 amended to read as follows:
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1 Section 7-130. Any candidate or any recognized political party
2 shall be entitled to have a watcher present at any place where an
3 official count is being conducted. Such watcher must be
4 commissioned in writing by the candidate, or by the chair of the
5 recognized political party of the county in which the watcher is
6 being authorized. Such commission must be filed with the secretary
7 of the appropriate county election board no later than 5:00 p.m. on
8 Wednesday preceding the election. Watchers must subscribe to an
9 oath to observe all laws and rules prescribed for watchers as
10 hereinafter provided. Such oath must be administered by the
11 inspector of the precinct in which the watcher is authorized.
12 Watchers shall be entitled to observe the voting device both before
13 the polls are opened and after the polls are closed; provided,
14 further, that such watchers shall not be present at the polling
15 place at other times. Watchers may be commissioned to observe
16 voting device testing and to accompany personnel assigned to repair
17 or maintain machines during the period of the election. In such
18 case, the watchers shall be limited to observing the repair or
19 maintenance work being performed and making a written record of such
20 work. All watchers shall only appear in person and the use of
21 watchers via electronic devices is prohibited. Any watcher who
22 violates the law prescribed for watchers shall be deemed guilty of a
23 misdemeanor.
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1 SECTION 3. NEW LAW A new section of law to be codified
2 in the Oklahoma Statutes as Section 9-121 of Title 26, unless there
3 is created a duplication in numbering, reads as follows:

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

11 SECTION 4. AMENDATORY 26 O.S. 2021, Section 14-101.1, is
12 amended to read as follows:

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

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

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

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

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

1 5. Distributing an absentee ballot application or request to a
2 voter using the official letterhead of a candidate or elected
3 official;

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

7 ~~6.~~ 7. Notarizing or witnessing more absentee ballots than
8 allowed by law.

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

13 1. A voter's assistant or agent acting pursuant to law as
14 otherwise allowed by Title 26 of ~~the Oklahoma Statutes~~ this title;

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

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

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

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

3 6. An official action by an election official that is required
4 or authorized by law.

5 SECTION 5. AMENDATORY 26 O.S. 2021, Section 16-123, is
6 amended to read as follows:

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

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

20 SECTION 6. AMENDATORY 26 O.S. 2021, Section 21-101, is
21 amended to read as follows:

22 Section 21-101. A. The Secretary of the State Election Board
23 is hereby authorized beginning July 1, 1989, to purchase equipment
24 for and implement a unitary, unified, integrated system of election

1 administration for the State of Oklahoma that includes an electronic
2 data processing system for maintenance of voter registration
3 records, certification of election results and other
4 election-related applications, and the installation of electronic,
5 optical scanning voting devices compatible with the same system in
6 every precinct polling place.

7 B. The Secretary of the State Election Board is authorized to
8 adopt procedures consistent, insofar as practicable, with existing
9 law for implementation of the system.

10 C. Except as provided in subsection A, no electronic data
11 processing applications shall be implemented by a county election
12 board, nor shall voting devices be purchased by a county, except for
13 those electronic data processing applications and voting devices
14 already in use or for which a contract had been signed by no later
15 than March 31, 1986.

16 D. A new unitary integrated voting system described in
17 subsection A of this section that is implemented on or after January
18 1, 2023, shall be required to report the official election returns
19 of each election by precinct, including, but not limited to, all
20 votes cast in person and by absentee.

21 SECTION 7. It being immediately necessary for the preservation
22 of the public peace, health or safety, an emergency is hereby
23 declared to exist, by reason whereof this act shall take effect and
24 be in full force from and after its passage and approval.

1 Passed the House of Representatives the 23rd day of March, 2022.

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4 Presiding Officer of the House
of Representatives

5 Passed the Senate the ____ day of _____, 2022.

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Presiding Officer of the Senate