

## FLOOR 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**

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

Amendment submitted by: Nicole Miller

\_\_\_\_\_

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



STATE OF OKLAHOMA

2nd Session of the 58th Legislature (2022)

FLOOR SUBSTITUTE  
FOR

HOUSE BILL NO. 3321

By: Miller of the House

and

Stanley of the Senate

FLOOR SUBSTITUTE

An Act relating to elections; amending 26 O.S. 2021, Sections 7-130, 14-101.1, 16-123, and 21-101 which relate to the election code; requiring ballots be printed on paper; prohibiting watchers' appearance by electronic device; prohibiting connection of devices to Internet; modifying definition; authorizing reporting of voting crimes to Attorney General; requiring certain report; providing for codification; and declaring an emergency.

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

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

All ballots used for any election shall be printed on paper to ensure a fair and accurate count; provided, each precinct polling place and in-person absentee voting location shall provide a means



1 for a blind or visually impaired voter to cast a ballot privately  
2 and independently, in a manner to be determined by the Secretary of  
3 the State Election Board.

4 SECTION 2. AMENDATORY 26 O.S. 2021, Section 7-130, is  
5 amended to read as follows:

6 Section 7-130. Any candidate or any recognized political party  
7 shall be entitled to have a watcher present at any place where an  
8 official count is being conducted. Such watcher must be  
9 commissioned in writing by the candidate, or by the chair of the  
10 recognized political party of the county in which the watcher is  
11 being authorized. Such commission must be filed with the secretary  
12 of the appropriate county election board no later than 5:00 p.m. on  
13 Wednesday preceding the election. Watchers must subscribe to an  
14 oath to observe all laws and rules prescribed for watchers as  
15 hereinafter provided. Such oath must be administered by the  
16 inspector of the precinct in which the watcher is authorized.  
17 Watchers shall be entitled to observe the voting device both before  
18 the polls are opened and after the polls are closed; provided,  
19 further, that such watchers shall not be present at the polling  
20 place at other times. Watchers may be commissioned to observe  
21 voting device testing and to accompany personnel assigned to repair  
22 or maintain machines during the period of the election. In such  
23 case, the watchers shall be limited to observing the repair or  
24 maintenance work being performed and making a written record of such



1 work. All watchers shall only appear in person and the use of  
2 watchers via electronic devices is prohibited. Any watcher who  
3 violates the law prescribed for watchers shall be deemed guilty of a  
4 misdemeanor.

5 SECTION 3. NEW LAW A new section of law to be codified  
6 in the Oklahoma Statutes as Section 9-121 of Title 26, unless there  
7 is created a duplication in numbering, reads as follows:

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

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

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

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

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



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

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

6        5. Distributing an absentee ballot application or request to a  
7 voter using the official letterhead of a candidate or elected  
8 official;

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

12        ~~6.~~ 7. Notarizing or witnessing more absentee ballots than  
13 allowed by law.

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

18        1. A voter's assistant or agent acting pursuant to law as  
19 otherwise allowed by Title 26 of the Oklahoma Statutes;

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

23        3. An employee of the Federal Voting Assistance Program, the  
24 United States Department of Defense or the Oklahoma National Guard



1 who assists a uniformed-services voter in returning or transmitting  
2 an absentee ballot;

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

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

8 6. An official action by an election official that is required  
9 or authorized by law.

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

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

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



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

3       Section 21-101. A. The Secretary of the State Election Board  
4 is hereby authorized beginning July 1, 1989, to purchase equipment  
5 for and implement a unitary, unified, integrated system of election  
6 administration for the State of Oklahoma that includes an electronic  
7 data processing system for maintenance of voter registration  
8 records, certification of election results and other  
9 election-related applications, and the installation of electronic,  
10 optical scanning voting devices compatible with the same system in  
11 every precinct polling place.

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

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

21       D. A new unitary integrated voting system described in  
22 subsection A of this section that is implemented on or after January  
23 1, 2023, shall be required to report the official election returns  
24



1 of each election by precinct, including, but not limited to, all  
2 votes cast in person and by absentee.

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

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