

1 **HOUSE OF REPRESENTATIVES - FLOOR VERSION**

2 STATE OF OKLAHOMA

3 2nd Session of the 58th Legislature (2022)

4 COMMITTEE SUBSTITUTE
5 FOR
6 HOUSE BILL NO. 3321

By: Miller of the House

and

7 **Stanley** of the Senate

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11 COMMITTEE SUBSTITUTE

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

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

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

1 Section 4-121. A. The Secretary of the State Election Board
2 may join the State of Oklahoma as a member in one or more multistate
3 voter list maintenance organizations including, but not limited to,
4 the Electronic Registration Information Center (ERIC) or its
5 successor. The Secretary is authorized to expend funds as available
6 for membership fees, dues and other expenses related to such
7 membership.

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

19 C. If a multistate voter list maintenance organization of which
20 this state is a member identifies Oklahoma residents who are
21 citizens of the United States eligible to vote but not yet
22 registered, the Secretary of the State Election Board may notify
23 such citizens about the procedure for becoming a registered voter in
24

1 this state. The Secretary may delegate the contacting of such
2 citizens to the secretary of the appropriate county election board.

3 D. If a multistate voter list maintenance organization of which
4 this state is a member provides United States Postal Service
5 National Change of Address data regarding registered voters who have
6 changed their address of residence within the state, the Secretary
7 of the State Election Board may use the data pursuant to the
8 provisions of Section 4-118.1, 4-120.2 or 7-115.1 of Title 26 of the
9 Oklahoma Statutes or the federal National Voter Registration Act.

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

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

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

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

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

1 watchers via electronic devices is prohibited. Any watcher who
2 violates the law prescribed for watchers shall be deemed guilty of a
3 misdemeanor.

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

6 Section 7-136. A. The county election board shall convene at
7 the county courthouse, or at such other place as the county election
8 board may designate on the day of each election, for the purpose of
9 receiving the official precinct returns and shall remain in session
10 until such precinct returns are all delivered. The board shall
11 cause to be accumulated and listed the results of such election, as
12 the official precinct returns are received, in a manner and upon
13 forms prescribed by the Secretary of the State Election Board. The
14 county election board shall use such precinct returns to certify the
15 results of such election for county officers and questions and shall
16 transmit electronically or in writing as prescribed by the Secretary
17 of the State Election Board after 5 p.m. on Friday following the
18 election to the State Election Board the completed county returns
19 for all state officers and questions. Such county returns shall be
20 prima facie evidence of the correctness of the result in the several
21 counties. The State Election Board shall use such county returns to
22 certify the results of such election for all state officers and
23 questions after 5 p.m. on Tuesday next succeeding the election.
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1 B. For all elections conducted after July 1, 2022, the official
2 returns for each precinct in this state shall include the votes cast
3 by all voters assigned to that precinct, including in-person and
4 absentee votes.

5 SECTION 5. 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 6. 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 7. 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.

SECTION 8. It being immediately necessary for the preservation of the public peace, health or safety, an emergency is hereby declared to exist, by reason whereof this act shall take effect and be in full force from and after its passage and approval.

COMMITTEE REPORT BY: COMMITTEE ON ELECTIONS AND ETHICS, dated 02/21/2022 - DO PASS, As Amended and Coauthored.