

1  
2  
3  
4  
5  
6  
7  
8  
9  
0  
1  
2  
3  
4  
5  
6  
7  
8  
9  
0  
1  
2  
3  
4

**AS AMENDED**

BILL NO. 3321

and

An Act relating to elections; requiring printing of ballots on paper; requiring alternative methods of casting ballot under certain circumstances; amending 26 O.S. 2021, Section 7-130, which relates to watchers; prohibiting appearance of watchers by electronic device; prohibiting connection of certain devices and equipment to internet; providing exception; amending 26 O.S. 2021, Sections 14-101.1 and 21-101, which relate to absentee ballot harvesting and election administration; modifying definition; establishing reporting requirements for certain voting systems; updating statutory references; providing for codification; and declaring an emergency.

SECTION 1. NEW LAW A new section of law to be codified  
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 for **any voter who requires assistance by reason of blindness,**

1 **disability, or inability to read or write** to cast a ballot privately  
2 and independently, in a manner to be determined by the Secretary of  
3 the State Election Board **as required by Section 7-123.3 of Title 26**  
4 **of the Oklahoma Statutes.**

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

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

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

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

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

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

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

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

23 2. Submitting, returning or transmitting an absentee ballot to  
24 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~~ this title;

20        2. An absentee voting board member, as described in ~~Title 26 of~~  
21 ~~the Oklahoma Statutes~~ this title, who assists a voter confined to a  
22 nursing 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 21-101, is  
11 amended to read as follows:

12 Section 21-101. A. The Secretary of the State Election Board  
13 is hereby authorized beginning July 1, 1989, to purchase equipment  
14 for and implement a unitary, unified, integrated system of election  
15 administration for the State of Oklahoma that includes an electronic  
16 data processing system for maintenance of voter registration  
17 records, certification of election results and other  
18 election-related applications, and the installation of electronic,  
19 optical scanning voting devices compatible with the same system in  
20 every precinct polling place.

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

1 C. Except as provided in subsection A, no electronic data  
2 processing applications shall be implemented by a county election  
3 board, nor shall voting devices be purchased by a county, except for  
4 those electronic data processing applications and voting devices  
5 already in use or for which a contract had been signed by no later  
6 than March 31, 1986.

7 D. A new unitary integrated voting system described in  
8 subsection A of this section that is implemented on or after January  
9 1, 2023, shall be required to report the official election returns  
10 of each election by precinct, including, but not limited to, all  
11 votes cast in person and by absentee.

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

16 COMMITTEE REPORT BY: COMMITTEE ON RULES  
17 April 6, 2022 - DO PASS AS AMENDED  
18  
19  
20  
21  
22  
23  
24