

STATE OF OKLAHOMA

2nd Session of the 58th Legislature (2022)

HOUSE BILL 4159

By: Goodwin

AS INTRODUCED

An Act relating to elections; amending 26 O.S. 2021, Sections 14-107 and 14-133, which relate to absentee voting; providing for additional information on affidavit; making certain information confidential; authorizing county election board to begin ballot review by certain date; modifying notification of rejection; requiring certain procedures for rejection of absentee ballots; prohibiting certain variations in signatures as grounds for rejection; requiring county election board to meet at certain times; providing for ballot cure letter and form; providing for educational and instructional materials; specifying certain type of procedure for executing absentee ballot affidavits for certain elections; providing certain alternative procedures for absentee voting; stating methods for voters requesting absentee ballots; providing method of absentee voting procedures for the absentee voting board entering nursing facilities and veterans centers under certain circumstances; providing for codification; and providing an effective date.

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

SECTION 1. AMENDATORY 26 O.S. 2021, Section 14-107, is amended to read as follows:

Section 14-107. A. Absentee ballots must be accompanied by:

1 1. A plain opaque envelope in which voted ballots must be
2 placed by the voter;

3 2. An envelope bearing an affidavit stating that the voter is
4 qualified to vote and that the voter has personally marked the
5 ballots, and has not exhibited the marked ballots to any other
6 person;

7 3. A return envelope addressed to the secretary of the county
8 election board; and

9 4. A notice that it is illegal for a Notary Public in this
10 state to charge a fee to notarize an official absentee ballot
11 affidavit.

12 B. The affidavit provided in paragraph 2 of subsection A of
13 this section shall also provide spaces for the email address and
14 telephone number of the voter, including language informing the
15 voter that the contact information provides options, along with
16 mail, to contact the voter if the ballot is rejected pursuant to
17 Section 14-133 of this title. The email address and telephone
18 number of the voter shall not be made available to the public or any
19 individual or organization other than an authorized agent of the
20 local election official and is exempt from disclosure under the Open
21 Records Act.

22 C. A voter may take a digital image or photograph of his or her
23 marked absentee ballot and distribute or share the image via social
24 media or by any other means if performed voluntarily and in

1 compliance with state and federal law. Testimony as to how any
2 individual cast his or her absentee ballot, whether or not said
3 absentee ballot was lawfully cast, shall not be admissible as
4 evidence in any court of law or public hearing in this state.

5 SECTION 2. AMENDATORY 26 O.S. 2021, Section 14-133, is
6 amended to read as follows:

7 Section 14-133. A. The county election board may begin opening
8 and reviewing mail-in absentee ballots thirty (30) days prior to an
9 election. In the event a voter's application or affidavit is
10 rejected for any reason, the secretary of the county election board
11 shall immediately notify said voter in writing by mail or using the
12 email contact information provided on the affidavit of the rejection
13 and the reason therefor.

14 B. The county election board shall undertake the following
15 procedures and requirements concerning the rejection of the voter's
16 ballot prior to election, providing time to cure the ballot:

17 1. Record in the Oklahoma Voter Portal the rejection of the
18 voter's ballot;

19 2. Issue a cure letter by mail or email to the voter whose
20 ballot was rejected, which shall inform the voter the reason for the
21 rejection. The cure letter shall include a cure form, which shall
22 include the voter's name and instruct the voter on how to cure the
23 alleged or actual deficiency; and
24

1 3. Instruct the voter how to cure the deficiency by completing
2 the cure form and returning it to the county election board in
3 person or by mail, not later than the day of the election.

4 C. 1. Variations in voter signatures caused by the
5 substitution of initials for the first name, middle name, or both,
6 shall not be grounds for the county election board to determine that
7 the signatures are nonconforming or do not match.

8 2. Should the voter's printed name or signature be lacking, the
9 deficiency shall be cured by the voter mailing or in person
10 providing his or her signature or printed name on a cure form and
11 attaching the voter's valid identification with information that
12 matches the voter's information in the voter database, or the
13 signature or printed name may be verified by notarization.

14 D. County election board officials shall schedule meetings as
15 necessary to ensure the timely processing of absentee ballot
16 affidavits, cure form letters, responses, and absentee ballots.

17 E. In case of emergency, a mailed copy of a voter's valid
18 identification or voter's identification card or in-person delivery
19 of valid identification may be accepted in place of notarization; a
20 notarization may remain an option. In the case of an incapacitated
21 voter, two witnesses remain viable verifiers.

22 F. The Secretary of the State Election Board is authorized to
23 prescribe the ballot cure letter and cure form specified in this
24 section. The Secretary of the State Election Board shall prepare

1 educational and instructional materials for all county election
2 boards. The materials and instructions shall provide clear
3 information regarding the standards for rejection of mail-in ballots
4 and safekeeping of all materials in the case of rejection.

5 SECTION 3. NEW LAW A new section of law to be codified
6 in the Oklahoma Statutes as Section 14-133.1 of Title 26, unless
7 there is created a duplication in numbering, reads as follows:

8 A. In the event a state of emergency declared by the Governor
9 is in effect forty-five (45) days prior to a scheduled election, or
10 is declared within forty-five (45) days of the election, then:

11 1. A voter who applies for an absentee ballot pursuant to
12 Section 14-105 of Title 26 of the Oklahoma Statutes may, in lieu of
13 having his or her signature notarized by a notary public as required
14 by Section 14-108 of Title 26 of the Oklahoma Statutes, sign the
15 absentee ballot affidavit and attach a photocopy of a form of
16 identification described in subsection A of Section 7-114 of Title
17 26 of the Oklahoma Statutes; or

18 2. A voter who requests an absentee ballot described pursuant
19 to Section 14-110.1 or Section 14-114 of Title 26 of the Oklahoma
20 Statutes may, in lieu of having his or her signature witnessed by
21 two witnesses, sign the absentee ballot affidavit and include a
22 photocopy of a form of identification described in subsection A of
23 Section 7-114 of Title 26 of the Oklahoma Statutes.

1 B. In the event an absentee voting board is prohibited from
2 entering a nursing facility or veterans center due to restrictions
3 related to the state of emergency, and applications for the absentee
4 ballots have been submitted by voters confined to that facility
5 pursuant to Section 14-115 of Title 26 of the Oklahoma Statutes,
6 then the secretary of the county election board shall be authorized
7 to allow the absentee voting board to deliver the absentee ballots
8 to a designated official at the nursing facility or veterans center.
9 The designated nursing facility or veterans center official shall
10 sign an oath acknowledging the duties and responsibilities and shall
11 be authorized to carry out the duties otherwise assigned by law to
12 the absentee voting board. The Secretary of the State Election
13 Board is authorized to establish emergency procedures for this
14 process pursuant to Section 22-101 of Title 26 of the Oklahoma
15 Statutes.

16 SECTION 4. This act shall become effective November 1, 2022.

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