

1 STATE OF OKLAHOMA

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

3 HOUSE BILL 3321

By: Miller

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5
6 AS INTRODUCED

7 An Act relating to elections; amending 26 O.S. 2021,
8 Sections 4-121, 6-112, 7-130, 14-101.1, and 16-123,
9 which relate to the election code; authorizing use of
10 certain index list; requiring ballots be printed on
11 paper; requiring absentee ballots be reported from
12 certain precinct; prohibiting watchers' appearance by
13 electronic device; prohibiting connection of devices
14 to Internet; modifying definition; authorizing
15 reporting of voting crimes to Attorney General;
16 providing for codification; and declaring an
17 emergency.

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

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

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

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

12 C. If a multistate voter list maintenance organization of which
13 this state is a member identifies Oklahoma residents who are
14 citizens of the United States eligible to vote but not yet
15 registered, the Secretary of the State Election Board may notify
16 such citizens about the procedure for becoming a registered voter in
17 this state. The Secretary may delegate the contacting of such
18 citizens to the secretary of the appropriate county election board.

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

3 E. If a multistate voter list maintenance organization of which
4 this state is a member provides access to the Social Security
5 Administration master death index list, or provides a list of
6 Oklahoma voters who match persons on the Social Security
7 Administration master death index list, then the Secretary of the
8 State Election Board may use the data pursuant to the provisions of
9 subsection F of Section 4-120.3 of this title.

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

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

19 SECTION 3. AMENDATORY 26 O.S. 2021, Section 6-112, is
20 amended to read as follows:

21 Section 6-112. All ballots for Primary, Runoff Primary and
22 General Elections must be designated in such a manner as the
23 Secretary of the State Election Board may prescribe to achieve the
24 identification of a ballot for a particular precinct. For any

1 election conducted after July 1, 2022, each county election board
2 shall report election results by precinct, including votes cast by
3 in-person voters and absentee voters.

4 SECTION 4. 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 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;

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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.

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

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