

STATE OF OKLAHOMA

2nd Session of the 59th Legislature (2024)

SENATE BILL 1374

By: Dahm

AS INTRODUCED

An Act relating to absentee voting; amending 26 O.S. 2021, Section 6-116, which relates to absentee ballots; requiring absentee ballot to contain certain watermark; amending 26 O.S. 2021, Section 14-125, which relates to counting procedures; requiring officials to make certain verification; requiring rejection of certain ballots; providing certain exceptions; establishing procedures for rejection of certain ballots; and providing an effective date.

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

SECTION 1. AMENDATORY 26 O.S. 2021, Section 6-116, is amended to read as follows:

Section 6-116. A. As soon as practicable, the State Election Board or each county election board, when ballots are printed by a county election board, shall cause to be printed a sufficient number of absentee ballots, each marked with a State of Oklahoma watermark, and prepared as nearly as practicable in the same manner as provided for other ballots for the Primary, Runoff Primary and General Elections, in time for the ballots to be issued during the time prescribed by law.

1 B. The Secretary of the State Election Board may authorize the
2 use of regular ballots as absentee ballots in any county for any
3 election. In the event that regular ballots are authorized for use
4 as absentee ballots at any election, the first order of rotation of
5 candidate names for all partisan offices in Primary Elections shall
6 be determined as outlined in Section 6-107 of this title and the
7 candidate names shall be rotated to the extent practicable on all
8 ballots printed for the election. The first order of rotation of
9 candidate names for all partisan offices in the Runoff Primary
10 Election shall be determined as outlined in Section 6-108 of this
11 title and the candidate names shall be rotated to the extent
12 practicable on all ballots printed for the election. Regular
13 ballots used as absentee ballots shall not be required to be
14 designated on their face as absentee ballots.

15 SECTION 2. AMENDATORY 26 O.S. 2021, Section 14-125, is
16 amended to read as follows:

17 Section 14-125. A. On the day of the election at such time as
18 the secretary of the county election board may prescribe, the county
19 election board shall meet at the county courthouse or at the offices
20 of the county election board if located elsewhere to count absentee
21 ballots in the following manner:

22 The ballot box containing the plain opaque envelopes shall be
23 shaken to mix the envelopes, after which the box shall be opened,
24 and the envelopes removed, and the Officials of the county

1 election board shall verify that the ballots contain the watermark
2 required pursuant to subsection A of Section 6-116 of this title. A
3 ballot without the required watermark shall be rejected unless the
4 ballot is authorized by state or federal law to be submitted
5 electronically. A rejected ballot shall:

- 6 1. Be marked "REJECTED" across its face;
- 7 2. Include the reason for rejection in writing;
- 8 3. Be signed by each official who rejected the ballot; and
- 9 4. Be placed in a container of rejected ballots.

10 Accepted ballots shall then be counted by a voting device assigned
11 to count absentee ballots and operated by persons appointed by the
12 secretary of the county election board.

13 B. The procedure described in this section shall be repeated as
14 is necessary until all ballots have been counted. In no event shall
15 fewer than twelve ballots be counted at any time, unless fewer than
16 twelve ballots are received in total or after the first count is
17 made. The results of the absentee ballots shall not be printed,
18 made known to any person nor announced earlier than 7:00 p.m. on the
19 day of the election.

20 C. 1. Upon written approval by the Secretary of the State
21 Election Board, the county election board may begin the process of
22 counting absentee ballots as described in this section on a date
23 earlier than the day of the election. The results of the absentee
24

1 ballots shall not be printed, made known to any person nor announced
2 earlier than 7:00 p.m. on the day of the election.

3 2. When the counting of absentee ballots occurs on a date prior
4 to the day of the election, the county election board shall, without
5 obtaining a printout of results, remove the election results storage
6 media from the voting device and seal ballots counted that day in a
7 transfer case which shall be secured by the sheriff of the county in
8 the same manner as provided in Section 8-110 of this title. The
9 election results storage media shall be sealed in a container
10 prescribed by the Secretary of the State Election Board. The
11 sheriff shall secure the sealed election results storage media
12 container and return it to the county election board at the time the
13 county election board next meets for the purpose of counting
14 absentee ballots.

15 3. If there is a malfunction in such a way that the election
16 results storage media used for absentee voting will not function,
17 the sheriff is authorized to return the transfer cases containing
18 absentee ballots to the county election board to be recounted as
19 provided in Section 7-134.1 of this title.

20 SECTION 3. This act shall become effective January 1, 2025.
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