

STATE OF OKLAHOMA

2nd Session of the 60th Legislature (2026)

HOUSE BILL 2939

By: Olsen

AS INTRODUCED

An Act relating to elections; amending 26 O.S. 2021, Section 7-129.2, 26 O.S. 2021, Sections 14-105, as amended by Section 1, Chapter 292, O.S.L. 2022, 14-110.1, as amended by Section 2, Chapter 292, O.S.L. 2022, 14-118, as amended by Section 3, Chapter 317, O.S.L. 2025 (26 O.S. Supp. 2025, Sections 14-105, 14-110.1, and 14-118), 26 O.S. 2021, Section 14-144, 26 O.S. 2021, Section 14-151, which relate to use of facsimile devices in absentee voting; repealing use of facsimile devices in absentee voting processes; repealing 26 O.S. 2021, Section 14-118.1, which relates to transmittal of ballot by facsimile device; and providing an effective date.

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

SECTION 1. AMENDATORY 26 O.S. 2021, Section 7-129.2, is amended to read as follows:

Section 7-129.2. A. In the event an absentee ballot is mutilated, defaced or damaged in a manner that it cannot be read by the voting device and thus not counted during the counting process, then two members of the county election board of different political party affiliations or two members of an absentee voting board under the supervision of the county election board shall be authorized to

1 mark a substitute ballot in identical fashion, insofar as is  
2 possible. Once so marked, the substitute ballot shall be entered  
3 for counting into the voting device. A written record of such  
4 action shall be made by the two county election board members.

5 B. In the event of an absentee ballot that was delivered  
6 electronically to a voter as described in Section 14-118 of this  
7 title, ~~or an absentee ballot that was received from a voter by~~  
8 ~~facsimile device as described by Section 14-118.1 of this title,~~ and  
9 the ballot cannot be read by the voting device, then two members of  
10 the county election board of different political party affiliations  
11 or two members of an absentee voting board under the supervision of  
12 the county election board shall be authorized to mark a substitute  
13 ballot in identical fashion, insofar as is possible. Once so  
14 marked, the substitute ballot shall be entered for counting into the  
15 voting device. A written record of such action shall be made by the  
16 two county election board members.

17 C. In the event there is a disagreement about how a substitute  
18 ballot should be marked for any race, the matter shall be brought  
19 immediately before the full county election board, which shall vote  
20 to decide how to mark the ballot.

21 SECTION 2. AMENDATORY 26 O.S. 2021, Section 14-105, as  
22 amended by Section 1, Chapter 292, O.S.L. 2022 (26 O.S. Supp. 2025,  
23 Section 14-105), is amended to read as follows:  
24

1       Section 14-105. A. Any registered voter may apply for an  
2 absentee ballot in person at the county election board, by United  
3 States mail, ~~by facsimile device as defined in Section 1862 of Title~~  
4 ~~21 of the Oklahoma Statutes~~ or by a means of electronic  
5 communication designated by the Secretary of the State Election  
6 Board. The Secretary of the State Election Board shall prescribe a  
7 form to be used for the application, although any application  
8 setting forth substantially the same facts shall be valid.

9       B. 1. A registered voter applying for an absentee ballot by  
10 means of electronic communication shall provide his or her name,  
11 birth date, an identification number, and other information as may  
12 be prescribed by the Secretary of the State Election Board. The  
13 name, birth date, and identification number provided on the  
14 application must match the name, birth date, and identification  
15 number in the voter registration record in order to apply for an  
16 absentee ballot pursuant to this subsection.

17       2. If the voter does not recall which identification number he  
18 or she included in the voter registration record, the voter may  
19 provide multiple identification numbers, at least one of which must  
20 match the identification number in the voter registration record if  
21 such record included an identification number. If the name, birth  
22 date, or any identification number provided does not match the voter  
23 registration record, the voter shall be informed of the failure to  
24

1 match the voter registration record and shall be provided  
2 information and instruction to contact the county election board.

3 3. If the voter registration record on file with the county  
4 election board does not contain a birth date or identification  
5 number, the voter shall not be eligible to apply for an absentee  
6 ballot by means of electronic communication but may apply for an  
7 absentee ballot pursuant to subsection C of this section.

8 4. Identifying information such as birth date and  
9 identification number shall not be modified online in an existing  
10 voter registration except as provided in Section 4-109.4 of this  
11 title.

12 5. No later than January 1, 2023, a registered voter applying  
13 for an absentee ballot pursuant to this subsection who meets the  
14 criteria provided in Section 7-115.1 of this title shall be required  
15 to confirm his or her address prior to submitting an application for  
16 absentee ballot by means of electronic communication.

17 C. 1. A registered voter applying for an absentee ballot in  
18 person, or by United States mail, ~~or by facsimile device~~ shall  
19 provide his or her name, birth date, an identification number, and  
20 other information as may be prescribed by the Secretary of the State  
21 Election Board. The name, birth date, and identification number  
22 provided on the application must match the name, birth date, and  
23 identification number in the voter registration record.

1        2. If the voter does not recall which identification number he  
2 or she included in the voter registration record, the voter may  
3 provide multiple identification numbers, at least one of which must  
4 match the identification number in the voter registration record if  
5 such record included an identification number. If the voter  
6 registration record does not contain a birth date or an  
7 identification number, the absentee ballot application shall be  
8 accepted without a match of a birth date or an identification  
9 number.

10        D. For purposes of this section, "identification number" means  
11 a number submitted on the registration application pursuant to  
12 paragraph 3 of subsection A of Section 4-112 of this title.

13        SECTION 3.        AMENDATORY        26 O.S. 2021, Section 14-110.1, as  
14 amended by Section 2, Chapter 292, O.S.L. 2022 (26 O.S. Supp. 2025,  
15 Section 14-110.1), is amended to read as follows:

16        Section 14-110.1. A registered voter who swears or affirms that  
17 the voter is physically unable to vote in person at the precinct on  
18 the day of the election because the voter is:

- 19        1. Physically incapacitated; or  
20        2. Charged with the care of another person who is physically  
21 incapacitated and who cannot be left unattended;  
22 may apply for an absentee ballot. Such applications may be made by  
23 United States mail, ~~by facsimile device as defined by Section 1862~~  
24 ~~of Title 21 of the Oklahoma Statutes~~ or by a means of electronic

1 communication designated by the Secretary of the State Election  
2 Board or may be made in person at the office of the county election  
3 board by an agent of the voter. Such an agent shall be a person of  
4 the voter's choosing who is at least sixteen (16) years of age and  
5 who is not employed by or related within the third degree of  
6 consanguinity or affinity to any person whose name appears on the  
7 ballot. No person may be the agent for more than one voter at any  
8 election. The Secretary of the State Election Board shall prescribe  
9 a form to be used for the application, although any application  
10 setting forth substantially the same facts shall be valid.

11 Requirements for matching of name, birth date, and identification  
12 number established pursuant to Section 14-105 of this title shall  
13 apply to applications for absentee ballots under this section.

14 SECTION 4. AMENDATORY 26 O.S. 2021, Section 14-118, as  
15 amended by Section 3, Chapter 317, O.S.L. 2025 (26 O.S. Supp. 2025,  
16 Section 14-118), is amended to read as follows:

17 Section 14-118. A. 1. When an application for an absentee  
18 ballot from a uniformed-service voter or an overseas voter pursuant  
19 to Section 14-142 of this title is received by the secretary of a  
20 county election board, it shall be the duty of the secretary to  
21 transmit by United States mail, ~~by facsimile device as defined in~~  
22 ~~Section 1862 of Title 21 of the Oklahoma Statutes,~~ or as provided in  
23 subsection B of this section the ballots which the elector has  
24 requested and is entitled to receive.

1        2. When an application for an absentee ballot is received at  
2 least forty-five (45) days before a regular election involving state  
3 offices or a regular or special election involving federal offices,  
4 the absentee ballot shall be transmitted by mail, by electronic  
5 mail, or by other means of electronic communication, as provided in  
6 this section, or by facsimile device as provided in Section 14-118.1  
7 of this title, not less than forty-five (45) days preceding the  
8 election.

9        3. When an application for an absentee ballot for a regular  
10 election involving state offices or a regular or special election  
11 involving federal offices is received less than forty-five (45) days  
12 preceding the election, the absentee ballot shall be transmitted by  
13 mail, by electronic mail, or by other means of electronic  
14 communication, as provided in this section, ~~or by facsimile device~~  
15 ~~as provided in Section 14-118.1 of this title,~~ within forty-eight  
16 (48) hours of receipt of the application.

17        4. When an application for an absentee ballot is received for a  
18 special election involving state offices, the absentee ballot shall  
19 be transmitted by mail, by electronic mail, or by other means of  
20 electronic communication, as provided in this section, ~~or by~~  
21 ~~facsimile device as provided in Section 14-118.1 of this title,~~ as  
22 soon as practicable preceding the date of the election.

23        B. The secretary of the county election board may transmit  
24 balloting materials for any state or federal election, or for any

1 other election as designated by the Secretary of the State Election  
2 Board as provided in subsection D of this section, by electronic  
3 mail or by other means of electronic communication in a form and  
4 manner prescribed by the Secretary of the State Election Board, if  
5 the voter:

- 6 1. Is a Federal Post Card Application registrant and is  
7 eligible to receive an absentee ballot as provided by law;
- 8 2. Provides an electronic mail address; and
- 9 3. Requests that balloting materials be sent by electronic  
10 mail.

11 If the secretary of the county election board transmits a ballot  
12 to a voter by electronic mail or by other means of electronic  
13 communication as provided in this subsection, the secretary shall  
14 amend the voter's federal postcard application for future elections  
15 to include the voter's electronic mail address.

16 C. An electronic mail address provided under this section is  
17 confidential and does not constitute public information for purposes  
18 of the Oklahoma Open Records Act. The secretary of the county  
19 election board shall ensure that an electronic mail address provided  
20 under this section is excluded from disclosure.

21 D. The Secretary of the State Election Board shall determine if  
22 balloting materials for any election other than a state or federal  
23 election may be produced in a form which would allow them to be  
24 transmitted by electronic mail or by other means of electronic

1 communication. If so, the Secretary shall so designate them. If  
2 such designation is not made, the balloting materials may be  
3 transmitted to the voter as provided in subsection A of this  
4 section.

5 E. All other provisions of this title that would normally apply  
6 to a ballot voted under this title apply to a ballot provided  
7 pursuant to the provisions of subsection B of this section.

8 F. The Secretary of the State Election Board may suspend the  
9 provisions of subsection B of this section if the Secretary  
10 determines that electronic transmission of balloting materials is  
11 not in the best interest of the people of this state due to a  
12 potential problem with the security of the balloting materials.

13 SECTION 5. AMENDATORY 26 O.S. 2021, Section 14-144, is  
14 amended to read as follows:

15 Section 14-144. A. For an election described in paragraph 1 or  
16 2 of Section 3 of this act for which this state has not received a  
17 waiver pursuant to Section 579 of the Military and Overseas Voter  
18 Empowerment Act, 42 U.S.C. 1973ff-1(g) (2), the election official in  
19 each jurisdiction charged with distributing a ballot and balloting  
20 materials shall transmit a ballot and balloting materials to all  
21 covered voters who submit a valid military-overseas ballot  
22 application as required by Section 14-118 of Title 26 of the  
23 Oklahoma Statutes.

1 B. A covered voter who requests that a ballot and balloting  
2 materials be sent to the voter by electronic transmission may choose  
3 ~~facsimile transmission or~~ electronic mail delivery, or, if offered  
4 by the voter's jurisdiction, Internet delivery. The election  
5 official in each jurisdiction charged with distributing a ballot and  
6 balloting materials shall transmit the ballot and balloting  
7 materials to the voter using the means of transmission chosen by the  
8 voter.

9 C. If a ballot application from a covered voter arrives after  
10 the jurisdiction begins transmitting ballots and balloting materials  
11 to voters, the official charged with distributing a ballot and  
12 balloting materials shall transmit them to the voter not later than  
13 two business days after the application arrives.

14 SECTION 6. AMENDATORY 26 O.S. 2021, Section 14-151, is  
15 amended to read as follows:

16 Section 14-151. A. At least one hundred (100) days before a  
17 regularly scheduled election and as soon as practicable before an  
18 election not regularly scheduled, an official in each jurisdiction  
19 charged with printing and distributing ballots and balloting  
20 material shall prepare an election notice for that jurisdiction, to  
21 be used in conjunction with a federal write-in absentee ballot. The  
22 election notice must contain a list of all of the ballot measures  
23 and federal, state, and local offices that as of that date the  
24 official expects to be on the ballot on the date of the election.

1 The notice also must contain specific instructions for how a voter  
2 is to indicate on the federal write-in absentee ballot the voter's  
3 choice for each office to be filled and for each ballot measure to  
4 be contested.

5 B. A covered voter may request a copy of an election notice.  
6 The official charged with preparing the election notice shall send  
7 the notice to the voter by ~~facsimile~~, electronic mail, or regular  
8 mail, as the voter requests.

9 C. As soon as ballot styles are certified, and not later than  
10 the date ballots are required to be transmitted to voters under  
11 Section 14-106 of Title 26 of the Oklahoma Statutes, the official  
12 charged with preparing the election notice under subsection A of  
13 this section shall update the notice with the certified candidates  
14 for each office and ballot measure questions and make the updated  
15 notice publicly available.

16 D. A local election jurisdiction that maintains an Internet  
17 website shall make the election notice prepared under subsection A  
18 of this section and updated versions of the election notice  
19 regularly available on the website.

20 SECTION 7. REPEALER 26 O.S. 2021, Section 14-118.1, is  
21 hereby repealed.

22 SECTION 8. This act shall become effective November 1, 2026.  
23

24 60-2-14114 MJ 12/04/25