

1 ENGROSSED HOUSE AMENDMENT
TO
2 ENGROSSED SENATE BILL NO. 1779 By: Treat of the Senate
3 and
4 Echols of the House
5
6

7 An Act relating to absentee ballots; defining term;
8 prohibiting absentee ballot harvesting in certain
9 elections; providing exceptions; amending 26 O.S.
10 2011, Sections 14-105, as amended by Section 4,
11 Chapter 200, O.S.L. 2013, 14-106, 14-107, as amended
12 by Section 2, Chapter 457, O.S.L. 2019, 14-108, as
13 amended by Section 2, Chapter 237, O.S.L. 2016,
14 Section 1, Chapter 26, O.S.L. 2012, as last amended
15 by Section 1, Chapter 333, O.S.L. 2015, 14-110.1, as
16 last amended by Section 5, Chapter 200, O.S.L. 2013,
17 14-111.1, 14-112.1, 14-113.2, 14-115, 14-115.1 and
18 14-118.1, as amended by Section 9, Chapter 200,
19 O.S.L. 2013 (26 O.S. Supp. 2019, Sections 14-105, 14-
20 107, 14-108, 14-108.1, 14-110.1 and 14-118.1), which
21 relate to absentee voting; prohibiting application
22 for or transmission of an absentee ballot for another
23 person; prohibiting completion of application for
24 another person; providing exception; clarifying
language; requiring certain accompanying items with
absentee ballot; modifying requirements for return of
absentee ballot; modifying delivery methods;
modifying definitions; conforming language; requiring
investigation of certain violations; modifying
exception to certain notification requirements;
modifying requirements for service as certain agent;
modifying requirements for completion of certain
ballot; authorizing certain assistance by absentee
voting board members; establishing violations for
certain coercion; adding requirements for certain
agent; modifying requirements for establishment of
voter incapacity; modifying format; amending 26 O.S.
2011, Sections 14-137 and 14-140, which relate to the
Uniform Military and Overseas Voters Act; modifying
definition; modifying assignment of location for
voting; establishing felony offense; establishing

1 misdemeanor offense; clarifying language; making
2 language gender neutral; updating statutory language;
3 providing for recodification; providing for
4 codification; and declaring an emergency.

4 AUTHOR: Remove Representative Echols as principal House author and
5 substitute with Representative McCall

6 AUTHORS: Add the following House Coauthors: Steagall, West (Kevin),
7 Crosswhite Hader, Roberts (Sean), Grego, Boles, McDugle,
8 Davis, West (Josh), Gann, Smith and Fugate

9 AUTHORS: Add the following Senate Coauthors: Bergstrom, Boggs,
10 Bullard and David

11 AMENDMENT NO. 1. Delete the title, enacting clause and entire bill
12 and replace with:

13 "An Act relating to elections; defining term;
14 prohibiting absentee ballot harvesting in certain
15 elections; providing exceptions; amending 26 O.S.
16 2011, Section 14-103, which relates to absentee
17 voting; modifying deadline for requesting absentee
18 ballots; providing for alternative procedures for
19 absentee voting for certain elections; authorizing
20 administrative leave for certain purposes; providing
21 for additional polling places for certain precincts;
22 authorizing combining multiple precincts for certain
23 elections; requiring Secretary of the State Election
24 Board to develop certain protocols; amending Section
1, Chapter 26, O.S.L. 2012, as last amended by
Section 1, Chapter 333, O.S.L. 2015 and 26 O.S. 2011,
Sections 14-115, 14-115.1 and 14-123, as amended by
Section 10, Chapter 200, O.S.L. 2013 (26 O.S. Supp.
2019, Sections 14-108.1 and 14-123), which relate to
absentee voting; modifying notary public
restrictions; requiring investigation of certain
violations; authorizing certain assistance by
absentee voting board members; establishing
violations for certain coercion; modifying deadline
for requesting absentee ballot for certain registered
voters; authorizing county election board to
designate special absentee voting boards; amending 26

1 O.S. 2011, Section 16-106, which relates to
2 penalties; providing exception; establishing felony
3 offense; establishing misdemeanor offense; providing
4 for noncodification; providing for codification; and
5 declaring an emergency.

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

7 SECTION 1. NEW LAW A new section of law to be codified
8 in the Oklahoma Statutes as Section 14-101.1 of Title 26, unless
9 there is created a duplication in numbering, reads as follows:

10 A. For the purposes of this section, "absentee ballot
11 harvesting" means:

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

15 2. Submitting, returning or transmitting an absentee ballot to
16 election officials on behalf of another person;

17 3. Collecting or obtaining an absentee ballot from another
18 person under a false pretense or promise of transmitting, returning
19 or submitting it to election officials on behalf of that person;

20 4. Requesting or receiving an absentee ballot on behalf of
21 another person;

22 5. Partially or fully completing an application for an absentee
23 ballot on behalf of another person without that person's prior
24 consent; or

1 6. Notarizing or witnessing more absentee ballots than allowed
2 by law.

3 B. Absentee ballot harvesting shall be unlawful at any election
4 conducted by a county election board, the State Election Board or
5 any political subdivision of this state; provided, the following
6 shall not be deemed to be ballot harvesting:

7 1. A voter's assistant or agent acting pursuant to law as
8 otherwise allowed by Title 26 of the Oklahoma Statutes;

9 2. An absentee voting board member, as described in Title 26 of
10 the Oklahoma Statutes, who assists a voter confined to a nursing
11 home or veterans center pursuant to law;

12 3. An employee of the Federal Voting Assistance Program, the
13 United States Department of Defense or the Oklahoma National Guard
14 who assists a uniformed-services voter in returning or transmitting
15 an absentee ballot;

16 4. A spouse, relative in the first or second degree of
17 consanguinity or affinity or cohabitant of a voter who forwards an
18 absentee ballot to the voter when absent from the home;

19 5. A voter's spouse who, with the voter's consent, returns the
20 voter's absentee ballot by mail; or

21 6. An official action by an election official that is required
22 or authorized by law.

23 SECTION 2. AMENDATORY 26 O.S. 2011, Section 14-103, is
24 amended to read as follows:

1 Section 14-103. Absentee ballots must be requested no later
2 than 5:00 p.m. on ~~Wednesday~~ Tuesday preceding an election.

3 SECTION 3. NEW LAW A new section of law not to be
4 codified in the Oklahoma Statutes reads as follows:

5 The following alternative procedures for absentee voting, as set
6 forth in Sections 3 through 7 of this act, shall be in place for
7 elections to be held during calendar year 2020 and shall supersede
8 such procedures that are provided by statute.

9 A. Subject to available funding, and due to anticipated
10 increased election administration costs related to the COVID-19
11 pandemic, the Secretary of the State Election Board is authorized to
12 use federal or state funds under the control of the State Election
13 Board to reimburse county election boards for election-related
14 expenses at the Primary Election, Runoff Primary Election and
15 General Election to be conducted in calendar year 2020; provided
16 that such reimbursements are only for expenses that exceed those
17 incurred for the equivalent election in calendar year 2016. Such
18 expenses may include:

- 19 1. Postage for outgoing absentee ballots;
- 20 2. Additional absentee voting boards or precinct officials;
- 21 3. Additional personnel expenses related to processing absentee
22 ballot requests, processing and counting absentee ballots or to
23 assist with in-person absentee voting; or

1 4. Other election administration expenses deemed appropriate by
2 the Secretary of the State Election Board.

3 B. Subject to available funding, the Secretary of the State
4 Election Board is authorized to expend federal or state funds under
5 the control of the State Election Board to purchase the following
6 items for use by county election boards:

7 1. Personal protective equipment for use by election officials;

8 2. Disinfectant supplies or services for use at in-person
9 Election Day voting locations and in-person absentee voting
10 locations;

11 3. Education materials regarding social distancing in-person
12 voting procedures; or

13 4. Other items related to the COVID-19 pandemic that are deemed
14 appropriate and necessary by the Secretary of the State Election
15 Board.

16 C. Nothing in this section shall be deemed to waive the regular
17 or emergency procedures for the expenditure of funds provided in
18 state or federal law or regulations.

19 SECTION 4. NEW LAW A new section of law not to be
20 codified in the Oklahoma Statutes reads as follows:

21 A. For calendar year 2020, full-time and part-time state
22 employees may be granted up to three (3) days of paid administrative
23 leave for the purposes of serving as a precinct official, absentee
24 voting board member or other election worker authorized by law, if

1 the employee is qualified by law to serve in such position. Such
2 administrative leave shall require the written approval of the
3 employee's appointing authority. An employee granted administrative
4 leave as described herein shall not be eligible to receive the daily
5 payment provided to precinct officials or absentee voting board
6 members.

7 B. For calendar year 2020, full-time and part-time employees of
8 a political subdivision of this state may be granted up to three (3)
9 days of paid administrative leave for the purposes of serving as a
10 precinct official, absentee voting board member or other election
11 worker authorized by law, if the employee is qualified by law to
12 serve in such position. Such administrative leave shall require the
13 written approval of the employee's appointing authority. An
14 employee granted administrative leave as described herein shall not
15 be eligible to receive the daily payment provided to precinct
16 officials or absentee voting board members.

17 SECTION 5. NEW LAW A new section of law not to be
18 codified in the Oklahoma Statutes reads as follows:

19 A. For elections to be held during calendar year 2020, any
20 state agency, board or commission that owns or leases a facility
21 located in or near a precinct without a suitable polling place
22 available, shall make space within the facility available for use as
23 a polling place upon the written request of the secretary of the
24 county election board.

1 B. For elections to be held during calendar year 2020, any
2 political subdivision of this state that held an election that was
3 conducted by a county election board on or after January 1, 2018,
4 and that owns, rents or leases a facility located in or near a
5 precinct without a suitable polling place available, shall make
6 space within the facility available for use as a polling place upon
7 the written request of the secretary of the county election board.

8 C. For facilities described in subsection A or B of this
9 section, a reasonable maintenance or cleaning fee may be charged to
10 the county election board for use of the facility as a polling
11 place.

12 SECTION 6. NEW LAW A new section of law not to be
13 codified in the Oklahoma Statutes reads as follows:

14 For elections conducted during calendar year 2020, in the event
15 of a shortage of suitable polling places or a shortage of available
16 precinct officials, a secretary of the county election board shall
17 have the authority to combine multiple precincts into a single
18 polling place. Such action shall require the written permission of
19 the Secretary of the State Election Board. When a polling place
20 location is changed for an election, affected voters shall be mailed
21 written notice by the secretary of the county election board, to be
22 postmarked at least ten (10) days before the date of the election,
23 and written notice shall also be posted at the previous polling
24 place location on election day. Provided, in the event a polling

1 place location becomes unavailable or unusable due to unforeseen
2 circumstances occurring ten (10) or fewer days before the date of
3 the election, then the mailed written notice shall be provided to
4 affected voters, if practicable.

5 In the event precincts are combined into a single polling place
6 as described in this section, the precincts may be treated in the
7 same manner as subprecincts described in subsection B of Section 3-
8 119 of Title 26 of the Oklahoma Statutes.

9 SECTION 7. NEW LAW A new section of law not to be
10 codified in the Oklahoma Statutes reads as follows:

11 A. The Secretary of the State Election Board shall develop
12 protocols for the following to be used in the event of an emergency
13 declaration related to the COVID-19 pandemic:

- 14 1. Social distancing and disinfecting in-person absentee voting
15 sites and Election Day polling places; and
- 16 2. Handling mail and absentee ballots for processing and
17 counting by county election officials.

18 B. The protocols developed in compliance with this section
19 shall be consistent with, as much as is practicable, recommendations
20 of the Centers for Disease Control and Prevention (CDC).

21 SECTION 8. AMENDATORY Section 1, Chapter 26, O.S.L.
22 2012, as last amended by Section 1, Chapter 333, O.S.L. 2015 (26
23 O.S. Supp. 2019, Section 14-108.1), is amended to read as follows:

24

1 Section 14-108.1 A. Neither a notary public nor an agent
2 working on behalf of a notary public shall be authorized to:

3 1. Request absentee ballots on behalf of a voter other than
4 himself or herself;

5 2. Assist a voter in requesting absentee ballots, other than
6 for himself or herself or a member of his or her household;

7 3. Receive by mail an absentee ballot on behalf of a voter,
8 other than for himself or herself or a member of his or her
9 household; or

10 4. Submit a completed absentee ballot on behalf of a voter
11 other than for himself or herself.

12 B. A notary public shall maintain a log of all absentee ballot
13 affidavits that he or she notarizes for a period of at least two (2)
14 years after the date of the election.

15 C. 1. A notary public shall be authorized to notarize a
16 maximum of twenty absentee ballot affidavits for a single election,
17 except as provided in paragraphs 2 and 3 of this subsection.

18 2. A notary public may be authorized to notarize more than
19 twenty absentee ballot affidavits at a single election with the
20 written approval of the secretary of the county election board.
21 Such approval shall apply for affidavits notarized within the county
22 served by the county election board secretary.

23 3. The limitation required by this subsection shall not apply
24 to the notarizing of ~~ballots~~ absentee ballot affidavits at the place

1 of business of a notary public that is open to the general public
2 during the normal business hours of the notary public; ~~provided,~~
3 ~~however, such limitations shall apply to any agency or other entity~~
4 ~~that provides voter registration services as required by the~~
5 ~~National Voter Registration Act of 1993 or by Sections 4-109.2 and~~
6 ~~4-109.3 of this title.~~

7 D. 1. If more than ten absentee ballots for a single election
8 are requested to be mailed to a single mailing address, the
9 secretary of the county election board shall immediately notify the
10 district attorney for that county and the Secretary of the State
11 Election Board.

12 2. Upon receipt of such notification, the district attorney, or
13 a member of law enforcement designated by the district attorney,
14 shall investigate any possible criminal violation of the law related
15 to the absentee ballot requests.

16 3. Provided, this notification requirement shall not apply to
17 requests for absentee ballots to be sent to the addresses of nursing
18 homes, veterans centers, medical facilities, multiunit housing,
19 ~~addresses of~~ installations of the Armed Forces of the United States
20 where uniformed or overseas voters, as defined by the Uniformed and
21 Overseas Citizens Absentee Voting Act, are stationed or other
22 locations authorized in writing by the Secretary of the State
23 Election Board.

1 E. The provisions of this section shall only apply to an
2 election conducted by a county election board, ~~or~~ the State Election
3 Board or a political subdivision of this state.

4 SECTION 9. AMENDATORY 26 O.S. 2011, Section 14-115, is
5 amended to read as follows:

6 Section 14-115. A. If the secretary of a county election board
7 receives a request from an incapacitated elector confined to a
8 nursing facility, as defined in Section 1-1902 of Title 63 of the
9 Oklahoma Statutes, or a veterans center established pursuant to
10 Title 72 of the Oklahoma Statutes within the county of the
11 jurisdiction of the secretary, the secretary shall cause to be
12 implemented the following procedures:

13 1. On the Thursday, Friday, Saturday or Monday preceding the
14 election, the absentee voting board shall deliver to each registered
15 voter who is confined to a nursing facility, as defined in Section
16 1-1902 of Title 63 of the Oklahoma Statutes, or a veterans center
17 established pursuant to Title 72 of the Oklahoma Statutes and who
18 requested ballots for an incapacitated voter ~~said~~ the ballots and
19 materials as may be necessary to vote same.

20 2. The voter must mark the ballots in the manner hereinbefore
21 provided in the presence of the absentee voting board, but in such a
22 manner as to make it impossible for any person other than the voter
23 to ascertain how ~~said~~ the ballots are marked. Insofar as is
24

1 possible, the voting procedure shall be the same as if the voter
2 were casting a vote in person at a precinct.

3 3. The voter shall then seal ~~said~~ the ballots in the plain
4 opaque envelope and shall seal ~~said~~ the plain opaque envelope in the
5 envelope bearing an affidavit. The voter must complete ~~said~~ the
6 affidavit, and the signature of the voter on same must be witnessed
7 by both members of the absentee voting board.

8 4. The envelope bearing an affidavit then must be sealed in the
9 return envelope, which shall be returned by the absentee voting
10 board to the secretary of the county election board on the same day
11 ~~said~~ the affidavit was executed.

12 5. Ballots cast in ~~said~~ such manner shall be counted in the
13 same manner as regular mail absentee ballots.

14 B. The voter may request the assistance of the absentee voting
15 board members to mark a ballot, complete the affidavit or seal the
16 envelopes as described in this section.

17 C. 1. An administrator or employee of a nursing facility or
18 veterans center who attempts to coerce or influence the vote of a
19 person residing in or confined to that facility shall be deemed to
20 be in violation of Section 16-109 of this title.

21 2. An administrator or employee of a nursing facility or
22 veterans center who prevents or attempts to prevent a person
23 residing in or confined to that facility from voting pursuant to
24

1 this section shall be deemed to be in violation of Section 16-113 of
2 this title.

3 SECTION 10. AMENDATORY 26 O.S. 2011, Section 14-115.1,
4 is amended to read as follows:

5 Section 14-115.1 A registered voter who becomes incapacitated
6 after 5:00 p.m. on Tuesday preceding an election, is unable to vote
7 in person at the appropriate precinct on the day of the election may
8 make a written request for an absentee ballot. The request shall be
9 signed by the voter, ~~or~~ or signed by a witness at the voter's direction
10 if the voter is unable to sign his or her name, and shall be
11 transmitted to the secretary of the county election board. The
12 person transmitting ~~said~~ the request on behalf of the voter may be
13 anyone of the voter's choosing who is at least sixteen (16) years of
14 age; provided, ~~said~~ the person is not employed by nor related within
15 the third degree of consanguinity or affinity to any person whose
16 name appears on the ballot. The person becomes the voter's agent
17 for purposes of voting by absentee ballot. The voter's request must
18 be accompanied by a sworn statement by a duly licensed physician.
19 Expected or likely confinement for childbirth on election day is
20 sufficient cause to entitle a voter to vote absentee pursuant to
21 this section. The statement must attest to the fact that the voter
22 is in fact unable to vote in person at the appropriate precinct on
23 the day of the election because of a physical incapacity and that
24 ~~said~~ the physical incapacity originated after 5:00 p.m. on Tuesday

1 preceding an election. Upon receipt of the voter's request and
2 accompanying sworn statement, the secretary of the county election
3 board shall issue to the voter's agent the appropriate ballots and
4 envelopes required for voting by incapacitated voters. The ballots
5 must be returned by the agent to the secretary of the county
6 election board no later than 7:00 p.m. on the day of the election.
7 No person may be the agent for more than one voter at any election.
8 Upon return of the absentee ballots, the secretary of the county
9 election board shall cause ~~said~~ the ballots to be processed in the
10 same manner as is prescribed for other absentee ballots.

11 SECTION 11. AMENDATORY 26 O.S. 2011, Section 14-123, as
12 amended by Section 10, Chapter 200, O.S.L. 2013 (26 O.S. Supp. 2019,
13 Section 14-123), is amended to read as follows:

14 Section 14-123. A. At ~~10~~ 10:00 a.m. on Thursday preceding the
15 election, or at such time thereafter as the secretary of the county
16 election board may desire, the county election board may meet and
17 publicly remove the outer envelopes from all absentee ballots then
18 received, examine and remove properly executed affidavits and place
19 the plain opaque envelopes in a ballot box, locked with three locks.
20 The procedure shall be repeated until such time as all ballots have
21 been received. Provided, such procedure may begin at an earlier
22 date upon the written approval of the Secretary of the State
23 Election Board.

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1 B. 1. The county election board may designate one or more
2 special absentee voting boards to conduct the removal of outer
3 envelopes and examination of affidavits described in subsection A of
4 this section. A special absentee voting board shall consist of two
5 members, neither of whom shall be of the same political party.
6 Members of a special absentee voting board shall be designated by
7 the county election board from a list provided by the secretary of
8 the county election board. Members of a special absentee voting
9 board shall meet the same eligibility requirements as a precinct
10 judge or clerk and shall receive the same compensation as a nursing
11 home absentee voting board.

12 2. The public shall have the right to be present when a special
13 absentee voting board conducts the removal of outer envelopes and
14 examination of affidavits, but these duties are not required to be
15 performed during a public meeting of the county election board.

16 3. A special absentee voting board so designated shall organize
17 the absentee ballot affidavits they have examined into three groups:

- 18 a. those the special absentee voting board agrees are
19 properly executed,
- 20 b. those the special absentee voting board agrees are not
21 properly executed, and
- 22 c. those absentee ballot affidavits about which the
23 special absentee voting board members do not agree.

24

1 Each group shall be reported to the county election board at a
2 public meeting of the board.

3 4. For absentee ballot affidavits that the special absentee
4 voting board agrees are properly executed, upon approval of the
5 county election board, the affidavits shall be removed and the plain
6 opaque envelopes shall be eligible to be counted pursuant to law.

7 5. For absentee ballots that the special absentee voting board
8 agrees are not properly executed pursuant to law, the county
9 election board shall review the affidavits and make a determination
10 as to whether the affidavits should be accepted or rejected pursuant
11 to law.

12 6. For absentee ballot affidavits on which the special absentee
13 voting board cannot agree about a properly executed affidavit, the
14 county election board shall review the affidavits and make a
15 determination as to whether the affidavits should be accepted or
16 rejected pursuant to law.

17 C. When an examination of an absentee ballot affidavit is made
18 to determine whether it has been properly executed, such
19 determination shall be based only upon the requirements found in
20 this title for the type of absentee ballot affidavit being examined.
21 No person making such a determination shall substitute his or her
22 own personal preference or judgment in place of the requirements
23 provided by law.

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1 SECTION 12. NEW LAW A new section of law to be codified
2 in the Oklahoma Statutes as Section 16-104.1 of Title 26, unless
3 there is created a duplication in numbering, reads as follows:

4 A. It shall be a felony for any person to engage in or to
5 conspire to engage in absentee ballot harvesting, as defined in
6 Section 1 of this act, involving ten or more absentee ballots at any
7 election conducted in this state by a county election board, the
8 State Election Board or a political subdivision of this state.

9 B. It shall be a felony for any person to direct or cause
10 another person or persons to commit acts of ballot harvesting, as
11 defined in Section 1 of this act, involving ten or more absentee
12 ballots at any election conducted in this state by a county election
13 board, the State Election Board or a political subdivision of this
14 state.

15 SECTION 13. AMENDATORY 26 O.S. 2011, Section 16-106, is
16 amended to read as follows:

17 Any person who offers, solicits or accepts something of value
18 intended to directly or indirectly influence the vote of the person
19 soliciting or accepting same shall be deemed guilty of a felony;
20 provided, the gifting of an envelope, stamp, or both an envelope and
21 stamp for the purpose of mailing in a ballot shall not be considered
22 something of value.

1 SECTION 14. NEW LAW A new section of law to be codified
2 in the Oklahoma Statutes as Section 16-126 of Title 26, unless there
3 is created a duplication in numbering, reads as follows:

4 A. It shall be a misdemeanor for any person to engage in or to
5 conspire to engage in absentee ballot harvesting, as defined in
6 Section 1 of this act, involving fewer than ten absentee ballots at
7 any election conducted in this state by a county election board, the
8 State Election Board or a subdivision of this state.

9 B. It shall be a misdemeanor for any person to direct or cause
10 another person or persons to commit acts of ballot harvesting, as
11 defined in Section 1 of this act, involving fewer than ten absentee
12 ballots at any election conducted in this state by a county election
13 board, the State Election Board or a subdivision of this state.

14 SECTION 15. It being immediately necessary for the preservation
15 of the public peace, health or safety, an emergency is hereby
16 declared to exist, by reason whereof this act shall take effect and
17 be in full force from and after its passage and approval."
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1 Passed the House of Representatives the 15th day of May, 2020.

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4 Presiding Officer of the House of
Representatives

5
6 Passed the Senate the ____ day of _____, 2020.

7
8
9 Presiding Officer of the Senate

3 and

4 Echols of the House

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6
7 An Act relating to absentee ballots; defining term;
8 prohibiting absentee ballot harvesting in certain
9 elections; providing exceptions; amending 26 O.S.
10 2011, Sections 14-105, as amended by Section 4,
11 Chapter 200, O.S.L. 2013, 14-106, 14-107, as amended
12 by Section 2, Chapter 457, O.S.L. 2019, 14-108, as
13 amended by Section 2, Chapter 237, O.S.L. 2016,
14 Section 1, Chapter 26, O.S.L. 2012, as last amended
15 by Section 1, Chapter 333, O.S.L. 2015, 14-110.1, as
16 last amended by Section 5, Chapter 200, O.S.L. 2013,
17 14-111.1, 14-112.1, 14-113.2, 14-115, 14-115.1 and
18 14-118.1, as amended by Section 9, Chapter 200,
19 O.S.L. 2013 (26 O.S. Supp. 2019, Sections 14-105, 14-
20 107, 14-108, 14-108.1, 14-110.1 and 14-118.1), which
21 relate to absentee voting; prohibiting application
22 for or transmission of an absentee ballot for another
23 person; prohibiting completion of application for
24 another person; providing exception; clarifying
language; requiring certain accompanying items with
absentee ballot; modifying requirements for return of
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modifying definitions; conforming language; requiring
investigation of certain violations; modifying
exception to certain notification requirements;
modifying requirements for service as certain agent;
modifying requirements for completion of certain
ballot; authorizing certain assistance by absentee
voting board members; establishing violations for
certain coercion; adding requirements for certain
agent; modifying requirements for establishment of
voter incapacity; modifying format; amending 26 O.S.
2011, Sections 14-137 and 14-140, which relate to the
Uniform Military and Overseas Voters Act; modifying
definition; modifying assignment of location for
voting; establishing felony offense; establishing

1 misdemeanor offense; clarifying language; making
2 language gender neutral; updating statutory language;
3 providing for recodification; providing for
4 codification; and declaring an emergency.

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

6 SECTION 16. NEW LAW A new section of law to be codified
7 in the Oklahoma Statutes as Section 14-101.1 of Title 26, unless
8 there is created a duplication in numbering, reads as follows:

9 A. For the purposes of this section, "absentee ballot
10 harvesting" means:

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

14 2. Submitting, returning or transmitting an absentee ballot to
15 election officials on behalf of another person;

16 3. Collecting or obtaining an absentee ballot from another
17 person under a false pretense or promise of transmitting, returning
18 or submitting it to election officials on behalf of that person;

19 4. Requesting or receiving an absentee ballot on behalf of
20 another person;

21 5. Partially or fully completing an application for absentee
22 ballots on behalf of another person without that person's prior
23 consent; or
24

1 6. Notarizing or witnessing more absentee ballots than allowed
2 by law.

3 B. Absentee ballot harvesting shall be unlawful at any election
4 conducted by a county election board, the State Election Board or
5 any political subdivision of this state; provided, the following
6 shall not be deemed to be ballot harvesting:

7 1. An assistant or agent acting on behalf of a physically
8 incapacitated or emergency incapacitated voter as described in Title
9 26 of the Oklahoma Statutes;

10 2. An absentee voting board member, as described in Title 26 of
11 the Oklahoma Statutes, who assists a voter confined to a nursing
12 home or veterans center pursuant to law;

13 3. An employee of the Federal Voting Assistance Program, the
14 United States Department of Defense or the Oklahoma National Guard
15 who assists a uniformed-services voter in returning or transmitting
16 an absentee ballot;

17 4. A spouse, relative in the first or second degree or
18 cohabitant of a voter who forwards an absentee ballot to the voter
19 when absent from the home;

20 5. A voter's spouse who, with the voter's consent, returns the
21 voter's absentee ballot by mail; or

22 6. An official action by an election official that is required
23 or authorized by law.

24

1 SECTION 17. AMENDATORY 26 O.S. 2011, Section 14-105, as
2 amended by Section 4, Chapter 200, O.S.L. 2013 (26 O.S. Supp. 2019,
3 Section 14-105), is amended to read as follows:

4 Section 14-105. A. Any registered voter may apply for an
5 absentee ballot in person at the county election board, by United
6 States mail, ~~by telegraph,~~ by facsimile device as defined in Section
7 1862 of Title 21 of the Oklahoma Statutes or by a means of
8 electronic communication designated by the Secretary of the State
9 Election Board.

10 B. The Secretary of the State Election Board shall prescribe a
11 form to be used for the application, although any application
12 setting forth substantially the same facts shall be valid.

13 C. 1. No person shall apply for an absentee ballot on behalf
14 of another person by any means described in subsection A of this
15 section, nor shall any person submit or transmit an absentee ballot
16 application on behalf of another person.

17 2. No person other than the applicant shall complete any
18 portion of the application; provided, an applicant may request
19 assistance to complete the application, and in such case the name
20 and address of residence of the person providing assistance shall be
21 provided on the application.

22 SECTION 18. AMENDATORY 26 O.S. 2011, Section 14-106, is
23 amended to read as follows:
24

1 Section 14-106. When ~~such~~ an application for an absentee ballot
2 as described in Section 14-105 of this title is received by the
3 secretary of a county election board, it shall be ~~his~~ the
4 secretary's duty to verify the registration of ~~said~~ the voter and to
5 transmit, by United States mail, the ballots which ~~said~~ the voter
6 has requested and is entitled to receive.

7 SECTION 19. AMENDATORY 26 O.S. 2011, Section 14-107, as
8 amended by Section 2, Chapter 457, O.S.L. 2019 (26 O.S. Supp. 2019,
9 Section 14-107), is amended to read as follows:

10 Section 14-107. A. Absentee ballots, as described in Section
11 14-105 of this title, must be accompanied by:

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

14 2. An envelope bearing an affidavit stating that the voter is
15 qualified to vote and that the voter has personally marked the
16 ballots, and has not exhibited the marked ballots to any other
17 person;

18 3. A return envelope addressed to the secretary of the county
19 election board; ~~and~~

20 4. A notice that it is illegal for a Notary Public in this
21 state to charge a fee to notarize an official absentee ballot
22 affidavit; and

23 5. Such other information the Secretary of the State Election
24 Board deems necessary.

1 B. A voter may take a digital image or photograph of his or her
2 marked absentee ballot and distribute or share the image via social
3 media or by any other means if performed voluntarily and in
4 compliance with state and federal law. Testimony as to how any
5 individual cast his or her absentee ballot, whether ~~or not said~~
6 the absentee ballot was lawfully cast, shall not be admissible as
7 evidence in any court of law or public hearing in this state.

8 SECTION 20. AMENDATORY 26 O.S. 2011, Section 14-108, as
9 amended by Section 2, Chapter 237, O.S.L. 2016 (26 O.S. Supp. 2019,
10 Section 14-108), is amended to read as follows:

11 Section 14-108. A. ~~The~~ 1. Upon receipt of an absentee ballot
12 requested pursuant to Section 14-105 of this title, the voter shall
13 be required to mark the ballot in ink or other manner as prescribed
14 by the Secretary of the State Election Board; seal the ballots in
15 the plain opaque envelope; fill out completely and sign the
16 affidavit, such signature to be notarized at no charge by a notary
17 public; seal the plain opaque envelope inside the envelope bearing
18 the affidavit ~~and~~.

19 2. The voter to whom the absentee ballot was issued shall
20 return both envelopes, sealed inside the return envelope, to the
21 county election board by hand-delivery, one of the following
22 methods:

23 a. United States mail ~~or by a,~~
24

1 ~~the ballot no later than the end of regular business hours on the~~
2 ~~day prior to the date of the election~~ or a designee at the time of
3 delivery.

4 2. Hand delivery of an absentee ballot shall be allowed only
5 during the regular business hours of the county election board but
6 shall not be allowed on the date of the election.

7 3. For purposes of this ~~section,~~ subsection:

8 a. "proof of identity" shall have the same meaning means
9 a photo identification document or voter
10 identification card as used described in subsection A
11 of Section 7-114 of this title, and

12 b. "regular business hours" means the time the office is
13 open for business to the general public on a given
14 day.

15 SECTION 21. AMENDATORY Section 1, Chapter 26, O.S.L.
16 2012, as last amended by Section 1, Chapter 333, O.S.L. 2015 (26
17 O.S. Supp. 2019, Section 14-108.1), is amended to read as follows:

18 Section 14-108.1. A. Neither a notary public nor an agent
19 working on behalf of a notary public shall be authorized to:

20 1. Request absentee ballots on behalf of a voter other than
21 himself or herself;

22 2. Assist a voter in requesting absentee ballots, other than
23 for himself or herself or a member of his or her household;

1 3. Receive by mail an absentee ballot on behalf of a voter,
2 other than for himself or herself or a member of his or her
3 household; or

4 4. Submit a completed absentee ballot on behalf of a voter
5 other than for himself or herself.

6 B. A notary public shall maintain a log of all absentee ballot
7 affidavits that he or she notarizes for a period of at least two (2)
8 years after the date of the election.

9 C. 1. A notary public shall be authorized to notarize a
10 maximum of twenty absentee ballot affidavits for a single election,
11 except as provided in paragraphs 2 and 3 of this subsection.

12 2. A notary public may be authorized to notarize more than
13 twenty absentee ballot affidavits with the written approval of the
14 secretary of the county election board.

15 3. The limitation required by this subsection shall not apply
16 to the notarizing of ~~ballots~~ absentee ballot affidavits at the place
17 of business of a notary public that is open to the general public
18 during the normal business hours of the notary public; ~~provided,~~
19 ~~however, such limitations shall apply to any agency or other entity~~
20 ~~that provides voter registration services as required by the~~
21 ~~National Voter Registration Act of 1993 or by Sections 4-109.2 and~~
22 ~~4-109.3 of this title.~~

23 D. 1. If more than ten absentee ballots for a single election
24 are requested to be mailed to a single mailing address, the

1 secretary of the county election board shall immediately notify the
2 district attorney for that county and the Secretary of the State
3 Election Board.

4 2. Upon receipt of such notification, the district attorney, or
5 a member of law enforcement designated by the district attorney,
6 shall investigate any possible criminal violation of the law related
7 to the absentee ballot requests.

8 3. Provided, this notification requirement shall not apply to
9 requests for absentee ballots to be sent to the addresses of nursing
10 homes, veterans centers, medical facilities, multiunit housing,
11 addresses of installations of the Armed Forces of the United States
12 where uniformed or overseas voters as defined by the Uniformed and
13 Overseas Citizens Absentee Voting Act, are stationed or other
14 locations authorized in writing by the Secretary of the State
15 Election Board.

16 E. The provisions of this section shall only apply to an
17 election conducted by a county election board, ~~or~~ the State Election
18 Board or a political subdivision of this state.

19 SECTION 22. AMENDATORY 26 O.S. 2011, Section 14-110.1,
20 as last amended by Section 5, Chapter 200, O.S.L. 2013 (26 O.S.
21 Supp. 2019, Section 14-110.1), is amended to read as follows:

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

- 1 1. Physically incapacitated; or
2 2. Charged with the care of another person who is physically
3 incapacitated and who cannot be left unattended;
4 may apply for an absentee ballot.

5 B. Such applications may be made by United States mail, by
6 facsimile device as defined by Section 1862 of Title 21 of the
7 Oklahoma Statutes or by a means of electronic communication
8 designated by the Secretary of the State Election Board ~~or~~.

9 C. Such application may also be made in person at the office of
10 the county election board by an agent of the voter. ~~Such an~~

11 1. The agent shall be a person of the voter's choosing who is
12 at least sixteen (16) years of age and who is not employed by or
13 related within the third degree of consanguinity or affinity to any
14 person whose name appears on the ballot.

15 2. No person may be the agent for more than one voter at any
16 election; provided, a person may be the agent for more than one
17 first degree relative at an election.

18 3. The agent shall provide his or her legal name and address of
19 residence to the secretary of the county election board.

20 D. The Secretary of the State Election Board shall prescribe a
21 form to be used for the application described in this section,
22 although any application setting forth substantially the same facts
23 shall be valid.

24

1 SECTION 23. AMENDATORY 26 O.S. 2011, Section 14-111.1,
2 is amended to read as follows:

3 Section 14-111.1. When ~~such an~~ an application for an absentee
4 ballot, as described in Section 14-110.1 of this title, is received
5 by the secretary of a county election board, it shall be his or her
6 duty to verify the registration of ~~said the~~ the voter and to transmit,
7 by United States mail, the ballots which ~~said the~~ the voter has
8 requested and is entitled to receive.

9 SECTION 24. AMENDATORY 26 O.S. 2011, Section 14-112.1,
10 is amended to read as follows:

11 Section 14-112.1. ~~Said~~ The ballots must be accompanied by:

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

14 2. An envelope bearing an affidavit stating that the voter is
15 qualified to vote, that ~~he~~ the voter has personally marked the
16 ballots or has directed a person chosen by the voter to mark the
17 ballots in accordance with the provisions of Section 7-123.3 of this
18 title; ~~and~~

19 3. A return envelope addressed to the secretary of the county
20 election board; and

21 4. Such other information the Secretary of the State Election
22 Board deems necessary.

23 SECTION 25. AMENDATORY 26 O.S. 2011, Section 14-113.2,
24 is amended to read as follows:

1 Section 14-113.2. A. 1. The voter shall be responsible for
2 marking the ballots or directing a person chosen by the voter to
3 mark the ballots in accordance with the provisions of Section 7-
4 123.3 of this title and as prescribed by the Secretary of the State
5 Election Board;

6 2. The voter shall seal the ballots in the plain opaque
7 envelope;

8 3. The voter shall fill out completely and sign the affidavit
9 or direct a person chosen by the voter to sign the affidavit, ~~such~~
10 whose name and address of residence shall be noted on the affidavit;

11 4. The voter's signature ~~to~~ shall be witnessed by two persons,
12 who did not sign the affidavit, ~~whose~~ who shall be at least eighteen
13 (18) years of age and citizens of the United States. The signature,
14 printed name and address of residence of each witness shall appear
15 on the affidavit; and

16 5. The voter shall seal the plain opaque envelope inside the
17 envelope bearing the affidavit and return both envelopes, sealed
18 inside the return envelope, by United States mail or by a private
19 mail service, provided such service has delivery documentation, to
20 the county election board.

21 B. 1. No person, except members of absentee voting boards,
22 shall witness the signature of more than five affidavits of persons
23 who swear they are physically incapacitated and unable to vote in
24 person at their precinct on election day.

1 2. No person who is a candidate for an office on the ballot or
2 who is related within the third degree of consanguinity or affinity
3 to a candidate on the ballot may witness any absentee ballot
4 affidavit.

5 SECTION 26. AMENDATORY 26 O.S. 2011, Section 14-115, is
6 amended to read as follows:

7 Section 14-115. A. If the secretary of a county election board
8 receives a request from an incapacitated elector confined to a
9 nursing facility, as defined in Section 1-1902 of Title 63 of the
10 Oklahoma Statutes, or a veterans center established pursuant to
11 Title 72 of the Oklahoma Statutes within the county of the
12 jurisdiction of the secretary, the secretary shall cause to be
13 implemented the following procedures:

14 1. On the Thursday, Friday, Saturday or Monday preceding the
15 election, the absentee voting board shall deliver to each registered
16 voter who is confined to a nursing facility, as defined in Section
17 1-1902 of Title 63 of the Oklahoma Statutes, or a veterans center
18 established pursuant to Title 72 of the Oklahoma Statutes and who
19 requested ballots for an incapacitated voter ~~said~~ the ballots and
20 materials as may be necessary to vote same.

21 2. The voter must mark the ballots in the manner hereinbefore
22 provided in the presence of the absentee voting board, but in such a
23 manner as to make it impossible for any person other than the voter
24 to ascertain how ~~said~~ the ballots are marked. Insofar as is

1 possible, the voting procedure shall be the same as if the voter
2 were casting a vote in person at a precinct.

3 3. The voter shall then seal ~~said~~ the ballots in the plain
4 opaque envelope and shall seal ~~said~~ the plain opaque envelope in the
5 envelope bearing an affidavit. The voter must complete ~~said~~ the
6 affidavit, and the signature of the voter on same must be witnessed
7 by both members of the absentee voting board.

8 4. The envelope bearing an affidavit then must be sealed in the
9 return envelope, which shall be returned by the absentee voting
10 board to the secretary of the county election board on the same day
11 ~~said~~ the affidavit was executed.

12 5. Ballots cast in ~~said~~ the manner shall be counted in the same
13 manner as regular mail absentee ballots.

14 B. The voter may request the assistance of the absentee voting
15 board members to mark a ballot, complete the affidavit or seal the
16 envelopes as described in this section.

17 C. 1. An administrator or employee of a nursing facility or
18 veterans center who attempts to coerce or influence the vote of a
19 person residing in or confined to that facility shall be deemed to
20 be in violation of Section 16-113 of this title.

21 2. An administrator or employee of a nursing facility or
22 veterans center who prevents or attempts to prevent a person
23 residing in or confined to that facility from voting pursuant to
24

1 this section shall be deemed to be in violation of Section 16-109 of
2 this title.

3 SECTION 27. AMENDATORY 26 O.S. 2011, Section 14-115.1,
4 is amended to read as follows:

5 Section 14-115.1. A. A registered voter who becomes
6 incapacitated after 5:00 p.m. on Tuesday preceding an election, and
7 who is unable to vote in person at the appropriate precinct on the
8 day of the election may make a written ~~request~~ application for an
9 absentee ballot. The ~~request~~ application shall be signed by the
10 voter, or signed by a witness at the voter's direction if the voter
11 is unable to sign his or her name, and shall be transmitted to the
12 secretary of the county election board.

13 B. The person transmitting ~~said request~~ the application on
14 behalf of the voter may be anyone of the voter's choosing at least
15 sixteen (16) years of age; provided, ~~said~~ the person is not employed
16 by nor related within the third degree of consanguinity or affinity
17 to any person whose name appears on the ballot. The person becomes
18 the voter's agent for purposes of voting by absentee ballot. The
19 agent shall provide his or her legal name and address of residence
20 to the secretary of the county election board.

21 C. The voter's ~~request~~ application must be accompanied by a
22 sworn statement by a duly licensed physician. ~~Expected or likely~~
23 ~~confinement for childbirth on election day is sufficient cause to~~
24 ~~entitle a voter to vote absentee pursuant to this section.~~ The

1 statement must attest to the fact that the voter is in fact unable
2 to vote in person at the appropriate precinct on the day of the
3 election because of a physical incapacity and that ~~said~~ the physical
4 incapacity originated after 5:00 p.m. on Tuesday preceding an
5 election, and that the voter is of sound mind. The Secretary of the
6 State Election Board may prescribe forms to be used for the
7 physician's statement. For the purposes of this subsection, an
8 expected or likely confinement related to childbirth shall qualify
9 as physical incapacitation under this section and is sufficient
10 cause to entitle a voter to vote absentee pursuant to the provisions
11 of this section.

12 D. 1. Upon receipt of the voter's ~~request~~ application and
13 accompanying sworn physician's statement, the secretary of the
14 county election board shall issue to the voter's agent the
15 appropriate ballots and envelopes required for voting by
16 incapacitated voters. The ballots must be returned by the agent to
17 the secretary of the county election board no later than 7:00 p.m.
18 on the day of the election. No person may be the agent for more
19 than one voter at any election. Upon return of the absentee
20 ballots, the secretary of the county election board shall cause ~~said~~
21 the ballots to be processed in the same manner as is prescribed for
22 other absentee ballots.

23
24

1 SECTION 28. AMENDATORY 26 O.S. 2011, Section 14-118.1,
2 as amended by Section 9, Chapter 200, O.S.L. 2013 (26 O.S. Supp.
3 2019, Section 14-118.1), is amended to read as follows:

4 Section 14-118.1. A. In the event that an absentee ballot
5 mailed to a voter identified by Section 14-142 of this title or
6 otherwise transmitted to a voter as provided by law cannot be
7 received by the voter, voted and returned to the secretary of the
8 county election board in the county of the residence of the voter in
9 time to be counted, the secretary shall be authorized to transmit a
10 ballot for federal offices by facsimile device as defined in Section
11 1862 of Title 21 of the Oklahoma Statutes, provided that the voter
12 has made a timely application for an absentee ballot. The voter may
13 transmit by facsimile device the voted ballot only to the location
14 designated by the Secretary of the State Election Board.

15 B. Regular absentee ballots also shall be mailed to the voter,
16 and if the regular ballots are returned by the voter and received by
17 the secretary of the county election board in time to be counted,
18 the ballot transmitted by facsimile device shall not be counted.

19 C. The Secretary of the State Election Board shall promulgate
20 rules setting forth procedures and prescribe appropriate forms to
21 transmit and to receive absentee ballots pursuant to this section.

22 SECTION 29. AMENDATORY 26 O.S. 2011, Section 14-137, is
23 amended to read as follows:

24

1 Section 14-137. As used in the Uniform Military and Overseas
2 Voters Act:

3 1. "Covered voter" means:

- 4 a. a uniformed-service voter or an overseas voter who is
5 registered to vote in this state,
- 6 b. a uniformed-service voter defined in subparagraph a of
7 paragraph 9 of this section, whose voting residence is
8 in this state and who otherwise satisfies this state's
9 voter eligibility requirements,
- 10 c. an overseas voter who, before leaving the United
11 States, was last eligible to vote in this state and,
12 except for a state residency requirement, otherwise
13 satisfies this state's voter eligibility requirements,
- 14 d. an overseas voter who, before leaving the United
15 States, would have been last eligible to vote in this
16 state had the voter then been of voting age and,
17 except for a state residency requirement, otherwise
18 satisfies this state's voter eligibility requirements,
19 or
- 20 e. an overseas voter who was born outside the United
21 States, is not described in subparagraph c or d of
22 this paragraph, and, except for a state residency
23 requirement, otherwise satisfies this state's voter
24 eligibility requirements, if:

- 1 (1) the last place where a parent or legal guardian
2 of the voter was, or under ~~this act~~ the Uniform
3 Military and Overseas Voters Act would have been,
4 eligible to vote before leaving the United States
5 is within this state, ~~and~~
- 6 (2) the voter has not previously registered to vote
7 in any other state, and
- 8 (3) the voter has not previously registered to vote
9 or voted in a nation other than the United
10 States;

11 2. "Dependent" means an individual recognized as a dependent by
12 a uniformed service;

13 3. "Federal postcard application" means the application
14 prescribed under Section 101(b) (2) of the Uniformed and Overseas
15 Citizens Absentee Voting Act, 42 U.S.C. Section 1973ff(b) (2);

16 4. "Federal write-in absentee ballot" means the ballot
17 described in Section 103 of the Uniformed and Overseas Citizens
18 Absentee Voting Act, 42 U.S.C. Section 1973ff-2;

19 5. "Military-overseas ballot" means:

- 20 a. a federal write-in absentee ballot,
21 b. a ballot specifically prepared or distributed for use
22 by a covered voter in accordance with ~~this act~~ the
23 Uniform Military and Overseas Voters Act, or
24

1 c. a ballot cast by a covered voter in accordance with
2 ~~this act~~ the Uniform Military and Overseas Voters Act;

3 6. "Overseas voter" means a United States citizen who is
4 outside the United States;

5 7. "State" means a state of the United States, the District of
6 Columbia, Puerto Rico, the United States Virgin Islands, or any
7 territory or insular possession subject to the jurisdiction of the
8 United States;

9 8. "Uniformed service" means:

10 a. active and reserve components of the Army, Navy, Air
11 Force, Marine Corps, or Coast Guard of the United
12 States,

13 b. the Merchant Marine, the commissioned corps of the
14 Public Health Service, or the commissioned corps of
15 the National Oceanic and Atmospheric Administration of
16 the United States, or

17 c. the National Guard and state militia;

18 9. "Uniformed-service voter" means an individual who is
19 qualified to vote and is:

20 a. a member of the active or reserve components of the
21 Army, Navy, Air Force, Marine Corps, or Coast Guard of
22 the United States who is on active duty,

23 b. a member of the Merchant Marine, the commissioned
24 corps of the Public Health Service, or the

1 commissioned corps of the National Oceanic and
2 Atmospheric Administration of the United States,

3 c. a member on activated status of the National Guard or
4 state militia, or

5 d. a spouse or dependent of a member referred to in this
6 paragraph; and

7 10. "United States", used in the territorial sense, means the
8 several states, the District of Columbia, Puerto Rico, the United
9 States Virgin Islands, and any territory or insular possession
10 subject to the jurisdiction of the United States.

11 SECTION 30. AMENDATORY 26 O.S. 2011, Section 14-140, is
12 amended to read as follows:

13 Section 14-140. In registering to vote, an overseas voter who
14 is eligible to vote in this state shall use and must be assigned to
15 the voting precinct of the address of the last place of residence of
16 the voter in this state, or, in the case of a voter described by
17 subparagraph c of paragraph 1 of Section ~~2 of this act~~ 14-137 of
18 this title, the address of the last place of residence in this state
19 of the parent or legal guardian of the voter. If that address is no
20 longer a recognized residential address, the voter must be assigned
21 ~~an address~~ to the polling place assigned to that geographic area for
22 voting purposes.

1 SECTION 31. NEW LAW A new section of law to be codified
2 in the Oklahoma Statutes as Section 16-104.1 of Title 26, unless
3 there is created a duplication in numbering, reads as follows:

4 A. It shall be a felony for any person to engage in or to
5 conspire to engage in absentee ballot harvesting as defined in
6 Section 1 of this act involving ten (10) or more absentee ballots at
7 any election conducted in this state by a county election board, the
8 State Election Board or a political subdivision of this state.

9 B. It shall be a felony for any person to direct or cause
10 another person or persons to commit acts of ballot harvesting
11 involving a total of ten (10) or more absentee ballots at any
12 election conducted in this state by a county election board, the
13 State Election Board or a political subdivision of this state.

14 SECTION 32. NEW LAW A new section of law to be codified
15 in the Oklahoma Statutes as Section 16-126 of Title 26, unless there
16 is created a duplication in numbering, reads as follows:

17 A. It shall be a misdemeanor for any person to engage in or to
18 conspire to engage in absentee ballot harvesting as defined in
19 Section 1 of this act involving fewer than ten (10) absentee ballots
20 at any election conducted in this state by a county election board,
21 the State Election Board or a subdivision of this state.

22 B. It shall be a misdemeanor for any person to direct or cause
23 another person or persons to commit acts of ballot harvesting
24 involving a total of fewer than ten (10) absentee ballots at any

1 election conducted in this state by a county election board, the
2 State Election Board or a subdivision of this state.

3 SECTION 33. RECODIFICATION 26 O.S. 2011, Section 14-118,
4 as amended by Section 8, Chapter 200, O.S.L. 2013 (26 O.S. Supp.
5 2019, Section 14-118), shall be recodified as Section 14-142.1 of
6 Title 26 of the Oklahoma Statutes, unless there is created a
7 duplication in numbering.

8 SECTION 34. RECODIFICATION 26 O.S. 2011, Section 14-
9 118.1, as amended by Section 9, Chapter 200, O.S.L. 2013 (26 O.S.
10 Supp. 2019, Section 14-118.1) and by Section 13 of this act, shall
11 be recodified as Section 14-142.2 of Title 26 of the Oklahoma
12 Statutes, unless there is created a duplication in numbering.

13 SECTION 35. It being immediately necessary for the preservation
14 of the public peace, health or safety, an emergency is hereby
15 declared to exist, by reason whereof this act shall take effect and
16 be in full force from and after its passage and approval.

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