

1 **HOUSE OF REPRESENTATIVES - FLOOR VERSION**

2 STATE OF OKLAHOMA

3 1st Session of the 57th Legislature (2019)

4 COMMITTEE SUBSTITUTE
5 FOR
6 HOUSE BILL NO. 1259

By: Hilbert of the House

and

Paxton and **Montgomery** of
the Senate

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10 COMMITTEE SUBSTITUTE

11 An Act relating to elections; amending 26 O.S. 2011,
12 Sections 7-109 and 14-107, which relate to conduct of
13 elections; allowing disclosure of certain ballots by
14 specific means; making certain acts unlawful;
15 providing penalties; providing for codification; and
16 providing an effective date.

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

18 SECTION 1. AMENDATORY 26 O.S. 2011, Section 7-109, is
19 amended to read as follows:

20 Section 7-109. No person shall, within the election enclosure,
21 verbally disclose to any other person how he or she voted; nor shall
22 any person expose his or her ballot to any other person within the
23 election enclosure. A voter may take a digital image or photograph
24 of his or her marked ballot and distribute or share the image via

1 social media or by any other means if performed voluntarily and in
2 compliance with state and federal law. Testimony as to how any
3 individual cast his or her ballot, whether or not said ballot was
4 lawfully cast, shall not be admissible as evidence in any court of
5 law or public hearing in this state.

6 SECTION 2. AMENDATORY 26 O.S. 2011, Section 14-107, is
7 amended to read as follows:

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

- 9 1. A plain opaque envelope in which voted ballots must be
10 placed by the voter;
- 11 2. An envelope bearing an affidavit stating that the voter is
12 qualified to vote, and that the voter has personally marked the
13 ballots, and has not exhibited the marked ballots to any other
14 person;
- 15 3. A return envelope addressed to the secretary of the county
16 election board; and
- 17 4. A notice that it is illegal for a Notary Public in this
18 state to charge a fee to notarize an official absentee ballot
19 affidavit.

20 B. A voter may take a digital image or photograph of his or her
21 marked absentee ballot and distribute or share the image via social
22 media or by any other means if performed voluntarily and in
23 compliance with state and federal law. Testimony as to how any
24 individual cast his or her absentee ballot, whether or not said

1 absentee ballot was lawfully cast, shall not be admissible as
2 evidence in any court of law or public hearing in this state.

3 SECTION 3. NEW LAW A new section of law to be codified
4 in the Oklahoma Statutes as Section 16-124 of Title 26, unless there
5 is created a duplication in numbering, reads as follows:

6 A. Any person who:

7 1. Threatens or intimidates a voter who has shared an image of
8 a voted ballot in the manner described in Section 7-109 or 14-107 of
9 Title 26 of the Oklahoma Statutes; or

10 2. Shares such an image as described in Section 7-109 or 14-107
11 of Title 26 of the Oklahoma Statutes in order to intimidate, coerce
12 or unlawfully influence another voter,
13 shall, upon conviction, be guilty of a misdemeanor.

14 B. No employer, supervisor, union leader, or other person with
15 authority or influence over another person, shall demand or require
16 that person to distribute or share an image of his or her voted
17 ballot. Any person who violates this subsection shall, upon
18 conviction, be guilty of a misdemeanor.

19 SECTION 4. This act shall become effective November 1, 2019.

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21 COMMITTEE REPORT BY: COMMITTEE ON RULES, dated 02/12/2019 - DO PASS,
22 As Amended and Coauthored.

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