

An Act

ENROLLED HOUSE
BILL NO. 1259

By: Hilbert of the House

and

Paxton, Montgomery and Dahm
of the Senate

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

SUBJECT: Elections

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

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

Section 7-109. No person shall, within the election enclosure, disclose to any other person how he or she voted; nor shall any person expose his or her ballot to any other person within the election enclosure. A voter may take a digital image or photograph of his or her marked ballot and distribute or share the image via social media or by any other means if performed voluntarily and in compliance with state and federal law. Testimony as to how any individual cast his or her ballot, whether or not said ballot was lawfully cast, shall not be admissible as evidence in any court of law or public hearing in this state.

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

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

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

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

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

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

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

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

A. Any person who shares such an image as described in Section 7-109 or 14-107 of Title 26 of the Oklahoma Statutes in order to intimidate, coerce or unlawfully influence another voter, shall, upon conviction, be guilty of a misdemeanor.

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

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

Passed the House of Representatives the 20th day of May, 2019.

Presiding Officer of the House
of Representatives

Passed the Senate the 22nd day of May, 2019.

Presiding Officer of the Senate

OFFICE OF THE GOVERNOR

Received by the Office of the Governor this _____

day of _____, 20_____, at _____ o'clock _____ M.

By: _____

Approved by the Governor of the State of Oklahoma this _____

day of _____, 20_____, at _____ o'clock _____ M.

Governor of the State of Oklahoma

OFFICE OF THE SECRETARY OF STATE

Received by the Office of the Secretary of State this _____

day of _____, 20_____, at _____ o'clock _____ M.

By: _____