

1 STATE OF OKLAHOMA

2 1st Session of the 58th Legislature (2021)

3 HOUSE BILL 2846

By: Roberts (Sean)

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6 AS INTRODUCED

7 An Act relating to elections; creating the Oklahoma
8 Paper Ballot Act of 2021; requiring ballots be
9 printed on paper; prohibiting the use of voting
10 devices; requiring ballots be counted by hand and
11 saved for certain time; amending 26 O.S. 2011,
12 Section 14-125, as amended by Section 11, Chapter
13 200, O.S.L. 2013 (26 O.S. Supp. 2020, Section 14-
14 125), which relates to counting procedure; requiring
15 ballots be counted by hand; repealing 26 O.S. 2011,
16 Sections 9-100, 9-115 and 9-118, which relate to
17 voting devices; providing for noncodification;
18 providing for codification; and providing an
19 effective date.

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

23 SECTION 1. NEW LAW A new section of law not to be
24 codified in the Oklahoma Statutes reads as follows:

This act shall known and may be cited as the "Oklahoma Paper
Ballot Act of 2021".

SECTION 2. NEW LAW A new section of law to be codified
in the Oklahoma Statutes as Section 9-121 of Title 26, unless there
is created a duplication in numbering, reads as follows:

1 All ballots used for any election shall be physically printed on
2 paper to ensure a fair and accurate count. The use of machines,
3 voting devices, vote-counting devices or other equipment is hereby
4 prohibited. Any and all vote counts or recounts of ballots shall be
5 conducted by hand and such ballots shall be retained for a period of
6 not less than five (5) years.

7 SECTION 3. AMENDATORY 26 O.S. 2011, Section 14-125, as
8 amended by Section 11, Chapter 200, O.S.L. 2013 (26 O.S. Supp. 2020,
9 Section 14-125), is amended to read as follows:

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

15 The ballot box containing the plain opaque envelopes shall be
16 shaken to mix the envelopes, after which the box shall be opened,
17 the envelopes removed, and the ballots counted by ~~a voting device~~
18 ~~assigned to count absentee ballots and operated~~ hand by persons
19 appointed by the secretary of the county election board.

20 B. The procedure described in this section shall be repeated as
21 is necessary until all ballots have been counted. In no event shall
22 fewer than twelve ballots be counted at any time, unless fewer than
23 twelve ballots are received in total or after the first count is
24 made. The results of the absentee ballots shall not be printed,

1 made known to any person nor announced earlier than 7:00 p.m. on the
2 day of the election.

3 C. 1. Upon written approval by the Secretary of the State
4 Election Board, the county election board may begin the process of
5 counting absentee ballots as described in this section on a date
6 earlier than the day of the election. The results of the absentee
7 ballots shall not be printed, made known to any person nor announced
8 earlier than 7:00 p.m. on the day of the election.

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

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

3 SECTION 4. REPEALER 26 O.S. 2011, Sections 9-100, 9-115
4 and 9-118, are hereby repealed.

5 SECTION 5. This act shall become effective November 1, 2021.

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