

# An Act

ENROLLED HOUSE  
BILL NO. 3321

By: Miller and Roe of the House

and

Stanley of the Senate

An Act relating to elections; requiring ballots be printed on paper; providing method of voting for certain persons privately and independently; amending 26 O.S. 2021, Sections 7-130, 14-101.1 and 21-101, which relate to the election code; prohibiting watchers' appearance by electronic device; prohibiting connection of devices to Internet; authorizing certain secure network connection between State Election Board and county election boards; modifying definition; requiring certain voting system to report official returns by precinct; specifying information based on votes cast in person or by absentee ballot; and providing for codification.

SUBJECT: Elections

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

SECTION 1. NEW LAW A new section of law to be codified in the Oklahoma Statutes as Section 6-104.1 of Title 26, unless there is created a duplication in numbering, reads as follows:

All ballots used for any election shall be printed on paper to ensure a fair and accurate count; provided, each precinct polling place and in-person absentee voting location shall provide a means for any voter who requires assistance by reason of blindness, disability, or inability to read or write to cast a ballot privately and independently, in a manner to be determined by the Secretary of the State Election Board.

SECTION 2. AMENDATORY 26 O.S. 2021, Section 7-130, is amended to read as follows:

Section 7-130. Any candidate or any recognized political party shall be entitled to have a watcher present at any place where an official count is being conducted. Such watcher must be commissioned in writing by the candidate, or by the chair of the recognized political party of the county in which the watcher is being authorized. Such commission must be filed with the secretary of the appropriate county election board no later than 5:00 p.m. on Wednesday preceding the election. Watchers must subscribe to an oath to observe all laws and rules prescribed for watchers as hereinafter provided. Such oath must be administered by the inspector of the precinct in which the watcher is authorized. Watchers shall be entitled to observe the voting device both before the polls are opened and after the polls are closed; provided, further, that such watchers shall not be present at the polling place at other times. Watchers may be commissioned to observe voting device testing and to accompany personnel assigned to repair or maintain machines during the period of the election. In such case, the watchers shall be limited to observing the repair or maintenance work being performed and making a written record of such work. All watchers shall only appear in person and the use of watchers via electronic devices is prohibited. Any watcher who violates the law prescribed for watchers shall be deemed guilty of a misdemeanor.

SECTION 3. 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:

Devices or equipment used by the State Election Board or a county election board to count or tabulate ballots shall be prohibited from connecting to the Internet. Provided, this shall not serve to prohibit a secure network connection between the State Election Board and a county election board for the purpose of transmitting or receiving voter registration or election-related data.

SECTION 4. AMENDATORY 26 O.S. 2021, Section 14-101.1, is amended to read as follows:

Section 14-101.1 A. For the purposes of this section, "absentee ballot harvesting" means:

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

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

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

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

5. Distributing an absentee ballot application or request to a voter using the official letterhead of a candidate or elected official;

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

~~6.~~ 7. Notarizing or witnessing more absentee ballots than allowed by law.

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

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

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

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

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

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

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

SECTION 5. AMENDATORY 26 O.S. 2021, Section 21-101, is amended to read as follows:

Section 21-101. A. The Secretary of the State Election Board is hereby authorized beginning July 1, 1989, to purchase equipment for and implement a unitary, unified, integrated system of election administration for the State of Oklahoma that includes an electronic data processing system for maintenance of voter registration records, certification of election results and other election-related applications, and the installation of electronic, optical scanning voting devices compatible with the same system in every precinct polling place.

B. The Secretary of the State Election Board is authorized to adopt procedures consistent, insofar as practicable, with existing law for implementation of the system.

C. Except as provided in subsection A of this section, no electronic data processing applications shall be implemented by a county election board, nor shall voting devices be purchased by a county, except for those electronic data processing applications and voting devices already in use or for which a contract had been signed by no later than March 31, 1986.

D. A new unitary integrated voting system described in subsection A of this section that is implemented on or after January 1, 2023, shall be required to report the official election returns of each election by precinct, including, but not limited to, all votes cast in person and by absentee ballot.

Passed the House of Representatives the 10th day of May, 2022.

\_\_\_\_\_  
Presiding Officer of the House  
of Representatives

Passed the Senate the 20th day of April, 2022.

\_\_\_\_\_  
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: \_\_\_\_\_