

1 STATE OF OKLAHOMA

2 2nd Session of the 58th Legislature (2022)

3 SENATE BILL 1570

By: Hamilton

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6 AS INTRODUCED

7 An Act relating to absentee voting; stating preferred
8 method of voting; providing certain exceptions;
9 providing procedures for requesting absentee ballots;
10 authorizing issuance of absentee ballot under certain
11 circumstances; requiring election officials to
12 maintain certain list; specifying method of real time
13 transmission and collection of certain ballot
14 information; providing procedures for absentee ballot
15 return information; prohibiting certain election
16 official conduct regarding absentee ballot
17 procedures; providing deadline of receipt of certain
18 ballots; specifying method of counting, storing, and
19 examination of ballots; allowing certification of
20 ballots under certain circumstances; requiring
21 absentee ballots and envelopes to be equipped with
22 watermarks and barcode or microchip; repealing 26
23 O.S. 2021, Sections 14-101, 14-102, 14-103, 14-104,
24 14-105, 14-106, 14-107, 14-108, 14-108.1, 14-110.1,
25 14-111.1, 14-112.1, 14-113.2, 14-115.4, 14-115.5, 14-
26 115.7, 14-122, 14-123, 14-124, and 14-125; providing
27 for codification; providing an effective date; and
28 declaring an emergency.

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

21 SECTION 1. NEW LAW A new section of law to be codified
22 in the Oklahoma Statutes as Section 14-161 of Title 26, unless there
23 is created a duplication in numbering, reads as follows:
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1 A. In-person voting is the preferred method of voting within
2 this state and shall be utilized except as outlined in paragraph 2
3 of subsection B of this section.

4 B. Any qualified elector of this state may apply for and vote
5 an absentee ballot if he or she makes application in writing not
6 less than ten (10) days before Election Day, or in accordance with
7 the U.S. Postal Service delivery standards for the state, and meets
8 one or more of the following requirements:

9 1. The voter expects to be out of the jurisdiction on Election
10 Day and on all early voting days; or

11 2. The voter has a disability preventing his or her attendance
12 at the polls.

13 SECTION 2. NEW LAW A new section of law to be codified
14 in the Oklahoma Statutes as Section 14-162 of Title 26, unless there
15 is created a duplication in numbering, reads as follows:

16 A. 1. A blank application to request an absentee ballot shall
17 be sent to any qualified elector upon request and made available
18 online, but no government official or entity shall send absentee
19 ballot applications directly to any elector except upon the direct
20 request of such elector, and no such application shall be prefilled
21 with the elector's required information.

22 2. No person or entity other than the elector, a person
23 assisting a physically disabled elector with his or her application,
24 a common carrier charged with returning the ballot application, an

1 election official, or a law enforcement official in the course of an
2 investigation shall handle or return an elector's completed absentee
3 ballot application.

4 3. The absentee ballot request form shall contain sufficient
5 information to identify the applicant and shall include the
6 applicant's name, residence address, and such other information as
7 is necessary to verify that the applicant is a registered voter.

8 4. Each application shall be manually signed by the applicant
9 and, if he or she signs by mark, shall include the signature of a
10 witness as well as the name, address, and telephone number of such
11 witness.

12 5. No electronic signatures will be permitted for the purpose
13 of requesting an absentee ballot.

14 6. Witnesses may not sign more than one absentee ballot request
15 form per election unless doing so for an immediate family member.
16 Immediate family members include:

- 17 a. mother or father; stepmother or stepfather,
- 18 b. spouse, child, stepchild, sibling, or stepsibling, or
- 19 c. grandparent.

20 Violation of this provision will subject the witness to a civil
21 penalty of Five Hundred Dollars (\$500.00) per offense.

22 7. The application may be handed by the applicant to an
23 election official or forwarded by United States mail or by
24 commercial carrier.

1 8. Voters requesting an absentee ballot shall submit with the
2 application a copy of one of the forms of identification listed in
3 subparagraphs a through g of this paragraph. An absentee ballot
4 shall not be issued unless the required identification is submitted
5 with the signed absentee ballot application.

6 All acceptable forms of photo identification should clearly note
7 whether the voter is a citizen if the ID is issued to both citizens
8 and noncitizens. Any alternative or exception to the following
9 forms of identification including affidavits submitted as
10 identification, are prohibited:

- 11 a. driver license,
- 12 b. state non-driver ID card,
- 13 c. current (non-expired) U.S. passport,
- 14 d. United States military ID,
- 15 e. tribal government ID,
- 16 f. ID issued by a state government, or
- 17 g. college or university ID.

18 If an eligible voter has a state driver license or state non-
19 driver ID card, in lieu of providing a photocopy of an ID, the
20 applicant may provide the serial number of the driver license or
21 non-driver ID card.

22 9. For those voters who cannot afford a government-issued ID,
23 one shall be offered free of charge through a motor license agent
24 upon proper application. For individuals with physical or other

1 disabilities that prevent them from acquiring a government-issued
2 ID, the state shall provide appropriate transportation from the
3 individual's place of residence to the office or motor license agent
4 and back or shall provide such other assistance as is necessary to
5 ensure that such individual receives a government-issued ID.

6 B. 1. Upon receipt of an application for an absentee ballot,
7 if the applicant's name and identifying information appear on the
8 list of qualified voters, the signature has been successfully
9 compared to the signature on file, and the applicant has met the ID
10 requirement, election officials shall furnish an absentee ballot to
11 the applicant.

12 2. Election officials shall maintain a list of absentee ballots
13 provided to registered voters for each election and shall include
14 the date the application for the absentee ballot was received. This
15 list shall be provided to the appropriate tabulator for absentee
16 ballots within each precinct.

17 3. County election offices should scan and provide absentee
18 mail ballots or early ballot information to state election
19 authorities within twenty-four (24) hours of request, transmission,
20 and return of all absentee or mail ballots.

21 4. The request for absentee mail ballot, transmission, or
22 return receipt of absentee mail or early ballot information from
23 locality or county election offices should be uploaded or
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1 transmitted to state election databases electronically and made
2 available to political campaigns or the public for review.

3 5. The voter registration systems at the local and state level
4 shall allow for real-time reporting of absentee mail ballot
5 requests, transmittal and receipt of ballots, or the check-in of
6 early voters.

7 SECTION 3. NEW LAW A new section of law to be codified
8 in the Oklahoma Statutes as Section 14-163 of Title 26, unless there
9 is created a duplication in numbering, reads as follows:

10 A. 1. Absentee ballot return envelopes must attach an
11 affidavit signed by the voter. The affidavit shall contain the
12 signature of a witness or a notary public or other official
13 authorized to acknowledge oaths and meet the following as
14 applicable:

- 15 a. if a voter chooses to submit a witness signature, the
16 printed name, address, and telephone number of the
17 witness shall be included,
- 18 b. witnesses shall not sign more than one absentee ballot
19 per election, except as provided in subparagraph c of
20 this paragraph, or
- 21 c. a witness may sign the absentee ballots of multiple
22 immediate family members as provided in paragraph 6 of
23 subsection A of Section 2 of this act.

1 2. Together with the absentee ballot and affidavit, absentee
2 voters shall submit a copy of one valid form of identification or
3 the serial number of a state driver's license or non-driver's ID.
4 Absentee ballot return envelopes not complying with this ID
5 requirement shall not be counted.

6 3. Affidavit envelopes not signed by the voter and properly
7 witnessed or notarized shall not be opened or counted.

8 4. Each precinct shall provide a bipartisan team of election
9 officials to assist individuals who are seeking to cast an absentee
10 ballot from a hospital, nursing home, or other such facility or who,
11 due to physical limitation or handicap, require assistance in
12 returning an absentee ballot in the appropriate format.

13 B. If an absentee ballot request form or an absentee ballot
14 sent to a registered elector is returned by the United States Postal
15 Service as undeliverable, election officials shall investigate the
16 voter's registration to determine the eligibility, qualifications,
17 and validity of the voter's registration and registration address.

18 SECTION 4. NEW LAW A new section of law to be codified
19 in the Oklahoma Statutes as Section 14-164 of Title 26, unless there
20 is created a duplication in numbering, reads as follows:

21 A. Under no circumstances shall election officials:

22 1. Maintain a permanent absentee ballot list for the purpose of
23 automatically sending either ballot request forms or absentee
24 ballots; and

1 2. Automatically mail either ballot request forms or absentee
2 ballots to all registered voters.

3 B. Each individual who plans to vote absentee shall submit an
4 absentee ballot request form for each election in which he or she
5 wishes to vote.

6 SECTION 5. NEW LAW A new section of law to be codified
7 in the Oklahoma Statutes as Section 14-165 of Title 26, unless there
8 is created a duplication in numbering, reads as follows:

9 A. Absentee ballots must be received by the time the polls
10 close on Election Day.

11 B. Upon receipt of the absentee ballot by any means permitted
12 herein, the election authority shall record its receipt and shall
13 store the ballot safely and securely without breaking the seal of
14 the affidavit envelope. The absentee ballot containers in the
15 possession of the appropriate election authority shall remain sealed
16 until such time as counting begins.

17 C. The counting of absentee ballots shall begin on the day of
18 the election for which the absentee ballots have been submitted and
19 only after the closing of the polls. Such counting shall continue
20 uninterrupted until all ballots appropriately submitted have been
21 tabulated. Should extreme or unforeseen circumstances require
22 suspension of the vote count, the appropriate election officials
23 shall notify the public and the state's chief election official of
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1 the suspension, the reason for the suspension, and the exact time
2 the vote count will resume as soon as possible.

3 D. Election officials shall examine each affidavit envelope to
4 determine:

5 1. Whether the signature of the voter has been appropriately
6 notarized or witnessed and any witness has provided a signature,
7 printed name, address, and phone number;

8 2. Whether the identification requirement has been met; and

9 3. Whether the voter's signature on the absentee ballot matches
10 the signature in the registration files. If signature comparison
11 software is used, it must be set to an accuracy rate of at least
12 ninety-five percent (95%).

13 No poll worker or other election official shall open an
14 affidavit envelope if the voter's affidavit signature or mark is not
15 properly notarized or witnessed as set forth in this act, and no
16 ballot envelope or ballot therein may be removed or counted.

17 No poll worker or other election official shall open an
18 affidavit envelope if the envelope indicates that the ballot is
19 unverified or the affidavit printed thereon is unsigned by the voter
20 or unmarked, and no ballot envelope or ballot therein may be removed
21 or counted.

22 E. If all of these requirements have been complied with and the
23 information in the affidavit establishes that the voter is entitled
24 to vote by absentee ballot, the election officials shall then

1 certify the findings, open each affidavit envelope, and deposit the
2 plain envelope containing the absentee ballot into a sealed ballot
3 box.

4 SECTION 6. NEW LAW A new section of law to be codified
5 in the Oklahoma Statutes as Section 14-166 of Title 26, unless there
6 is created a duplication in numbering, reads as follows:

7 A. Absentee ballots shall have a watermark on the ballot as
8 well as a unique barcode or microchip within each absentee ballot to
9 trigger an electronic or software notification that a ballot is
10 being counted by a computer scanner and cannot be counted again.
11 Such barcode or microchip shall not identify the voter who has used
12 that absentee ballot.

13 B. All envelopes used to send voters blank absentee ballots as
14 well as the envelopes provided to voters to mail back their
15 completed absentee ballots shall also contain a unique barcode or
16 microchip that can be used to track the progress of such ballot
17 envelopes through the United States Postal Service.

18 SECTION 7. REPEALER 26 O.S. 2021, Sections 14-101, 14-
19 102, 14-103, 14-104, 14-105, 14-106, 14-107, 14-108, 14-108.1, 14-
20 110.1, 14-111.1, 14-112.1, 14-113.2, 14-115.4, 14-115.5, 14-115.7,
21 14-122, 14-123, 14-124, and 14-125, are hereby repealed.

22 SECTION 8. This act shall become effective July 1, 2022.

23 SECTION 9. It being immediately necessary for the preservation
24 of the public peace, health or safety, an emergency is hereby
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1 declared to exist, by reason whereof this act shall take effect and
2 be in full force from and after its passage and approval.

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