

1 STATE OF OKLAHOMA

2 2nd Session of the 57th Legislature (2020)

3 COMMITTEE SUBSTITUTE

4 FOR

5 SENATE BILL 1779

6 By: Treat

7 COMMITTEE SUBSTITUTE

8 An Act relating to absentee ballots; defining term;  
9 prohibiting absentee ballot harvesting in certain  
10 elections; providing exceptions; amending 26 O.S.  
11 2011, Sections 14-105, as amended by Section 4,  
12 Chapter 200, O.S.L. 2013, 14-106, 14-107, as amended  
13 by Section 2, Chapter 457, O.S.L. 2019, 14-108, as  
14 amended by Section 2, Chapter 237, O.S.L. 2016,  
15 Section 1, Chapter 26, O.S.L. 2012, as last amended  
16 by Section 1, Chapter 333, O.S.L. 2015, 14-110.1, as  
17 last amended by Section 5, Chapter 200, O.S.L. 2013,  
18 14-111.1, 14-112.1, 14-113.2, 14-115, 14-115.1 and  
19 14-118.1, as amended by Section 9, Chapter 200,  
20 O.S.L. 2013 (26 O.S. Supp. 2019, Sections 14-105, 14-  
21 107, 14-108, 14-108.1, 14-110.1 and 14-118.1), which  
22 relate to absentee voting; prohibiting application  
23 for or transmission of an absentee ballot for another  
24 person; prohibiting completion of application for  
another person; providing exception; clarifying  
language; requiring certain accompanying items with  
absentee ballot; modifying requirements for return of  
absentee ballot; modifying delivery methods;  
modifying definitions; conforming language; requiring  
investigation of certain violations; modifying  
exception to certain notification requirements;  
modifying requirements for service as certain agent;  
modifying requirements for completion of certain  
ballot; authorizing certain assistance by absentee  
voting board members; establishing violations for  
certain coercion; adding requirements for certain  
agent; modifying requirements for establishment of  
voter incapacity; modifying format; amending 26 O.S.  
2011, Sections 14-137 and 14-140, which relate to the  
Uniform Military and Overseas Voters Act; modifying

1 definition; modifying assignment of location for  
2 voting; establishing felony offense; amending 26 O.S.  
3 2011, Section 16-106, which relates to bribes to  
4 influence votes; modifying elements of certain  
5 offense; establishing misdemeanor offense; clarifying  
6 language; making language gender neutral; updating  
7 statutory language; providing for recodification;  
8 providing for codification; and declaring an  
9 emergency.

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

11 SECTION 1. NEW LAW A new section of law to be codified  
12 in the Oklahoma Statutes as Section 14-101.1 of Title 26, unless  
13 there is created a duplication in numbering, reads as follows:

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

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

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

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

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

1           5. Partially or fully completing an application for absentee  
2 ballots on behalf of another person without that person's prior  
3 consent; or

4           6. Notarizing or witnessing more absentee ballots than allowed  
5 by law.

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

10           1. An assistant or agent acting on behalf of a physically  
11 incapacitated or emergency incapacitated voter as described in Title  
12 26 of the Oklahoma Statutes;

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

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

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

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

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

3       SECTION 2.       AMENDATORY       26 O.S. 2011, Section 14-105, as  
4 amended by Section 4, Chapter 200, O.S.L. 2013 (26 O.S. Supp. 2019,  
5 Section 14-105), is amended to read as follows:

6       Section 14-105. A. Any registered voter may apply for an  
7 absentee ballot in person at the county election board, by United  
8 States mail, ~~by telegraph,~~ by facsimile device as defined in Section  
9 1862 of Title 21 of the Oklahoma Statutes or by a means of  
10 electronic communication designated by the Secretary of the State  
11 Election Board.

12       B. The Secretary of the State Election Board shall prescribe a  
13 form to be used for the application, although any application  
14 setting forth substantially the same facts shall be valid.

15       C. 1. No person shall apply for an absentee ballot on behalf  
16 of another person by any means described in subsection A of this  
17 section, nor shall any person submit or transmit an absentee ballot  
18 application on behalf of another person.

19       2. No person other than the applicant shall complete any  
20 portion of the application; provided, an applicant may request  
21 assistance to complete the application, and in such case the name  
22 and address of residence of the person providing assistance shall be  
23 provided on the application.  
24

1 SECTION 3. AMENDATORY 26 O.S. 2011, Section 14-106, is  
2 amended to read as follows:

3 Section 14-106. When ~~such~~ an application for an absentee ballot  
4 as described in Section 14-105 of this title is received by the  
5 secretary of a county election board, it shall be ~~his~~ the  
6 secretary's duty to verify the registration of ~~said~~ the voter and to  
7 transmit, by United States mail, the ballots which ~~said~~ the voter  
8 has requested and is entitled to receive.

9 SECTION 4. AMENDATORY 26 O.S. 2011, Section 14-107, as  
10 amended by Section 2, Chapter 457, O.S.L. 2019 (26 O.S. Supp. 2019,  
11 Section 14-107), is amended to read as follows:

12 Section 14-107. A. Absentee ballots, as described in Section  
13 14-105 of this title, must be accompanied by:

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

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

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

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

1        5. Such other information the Secretary of the State Election  
2 Board deems necessary.

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

10        SECTION 5.        AMENDATORY        26 O.S. 2011, Section 14-108, as  
11 amended by Section 2, Chapter 237, O.S.L. 2016 (26 O.S. Supp. 2019,  
12 Section 14-108), is amended to read as follows:

13        Section 14-108. A. ~~The~~ 1. Upon receipt of an absentee ballot  
14 requested pursuant to Section 14-105 of this title, the voter shall  
15 be required to mark the ballot in ink or other manner as prescribed  
16 by the Secretary of the State Election Board; seal the ballots in  
17 the plain opaque envelope; fill out completely and sign the  
18 affidavit, such signature to be notarized at no charge by a notary  
19 public; seal the plain opaque envelope inside the envelope bearing  
20 the affidavit ~~and~~.

21        2. The voter to whom the absentee ballot was issued shall  
22 return both envelopes, sealed inside the return envelope, to the  
23 county election board by ~~hand-delivery,~~ one of the following  
24 methods:

- 1           a.    United States mail ~~or by a,~~  
2           b.    a private mail or delivery service, ~~provided such~~  
3           ~~service has delivery documentation, to the county~~  
4           ~~election board, or~~  
5           c.    in-person delivery as described in subsection C of  
6           this section.

7           3. No person other than the voter to whom the absentee ballot  
8 was issued may return or submit the absentee ballot to the county  
9 election board; provided, however, the spouse of the voter may  
10 return the voter's absentee ballot by mail with the permission of  
11 the voter.

12           B. No person who is a candidate for an office on the ballot, or  
13 who is the chair ~~or,~~ treasurer of the campaign of such a candidate  
14 for office, or who is related within the third degree of  
15 consanguinity or affinity to a candidate on the ballot, may notarize  
16 or witness any absentee ballot affidavit.

17           ~~B. The ballot shall not be notarized by any person whose name~~  
18 ~~appears on the ballot as a candidate or by any campaign chairperson~~  
19 ~~or campaign treasurer for a candidate whose name appears on the~~  
20 ~~ballot.~~

21           C. Any 1. A voter who may hand delivers deliver his or her  
22 absentee ballot accompanied by the notarized absentee ballot  
23 affidavit in person to the county election board as provided in  
24 subsection A of this section and shall provide proof of identity to

1 the secretary of the county election board ~~and shall hand deliver~~  
2 ~~the ballot no later than the end of regular business hours on the~~  
3 ~~day prior to the date of the election~~ or a designee at the time of  
4 delivery.

5 2. Hand delivery of an absentee ballot shall be allowed only  
6 during the regular business hours of the county election board but  
7 shall not be allowed on the date of the election.

8 3. For purposes of this section, subsection:

9 a. "proof of identity" shall have the same meaning means  
10 a photo identification document or voter  
11 identification card as used described in subsection A  
12 of Section 7-114 of this title, and

13 b. "regular business hours" means the time the office is  
14 open for business to the general public on a given  
15 day.

16 SECTION 6. AMENDATORY Section 1, Chapter 26, O.S.L.  
17 2012, as last amended by Section 1, Chapter 333, O.S.L. 2015 (26  
18 O.S. Supp. 2019, Section 14-108.1), is amended to read as follows:

19 Section 14-108.1. A. Neither a notary public nor an agent  
20 working on behalf of a notary public shall be authorized to:

21 1. Request absentee ballots on behalf of a voter other than  
22 himself or herself;

23 2. Assist a voter in requesting absentee ballots, other than  
24 for himself or herself or a member of his or her household;



1           3. Receive by mail an absentee ballot on behalf of a voter,  
2 other than for himself or herself or a member of his or her  
3 household; or

4           4. Submit a completed absentee ballot on behalf of a voter  
5 other than for himself or herself.

6           B. A notary public shall maintain a log of all absentee ballot  
7 affidavits that he or she notarizes for a period of at least two (2)  
8 years after the date of the election.

9           C. 1. A notary public shall be authorized to notarize a  
10 maximum of twenty absentee ballot affidavits for a single election,  
11 except as provided in paragraphs 2 and 3 of this subsection.

12           2. A notary public may be authorized to notarize more than  
13 twenty absentee ballot affidavits with the written approval of the  
14 secretary of the county election board.

15           3. The limitation required by this subsection shall not apply  
16 to the notarizing of ~~ballots~~ absentee ballot affidavits at the place  
17 of business of a notary public that is open to the general public  
18 during the normal business hours of the notary public; ~~provided,~~  
19 ~~however, such limitations shall apply to any agency or other entity~~  
20 ~~that provides voter registration services as required by the~~  
21 ~~National Voter Registration Act of 1993 or by Sections 4-109.2 and~~  
22 ~~4-109.3 of this title.~~

23           D. 1. If more than ten absentee ballots for a single election  
24 are requested to be mailed to a single mailing address, the

1 secretary of the county election board shall immediately notify the  
2 district attorney for that county and the Secretary of the State  
3 Election Board.

4 2. Upon receipt of such notification, the district attorney, or  
5 a member of law enforcement designated by the district attorney,  
6 shall investigate any possible criminal violation of the law related  
7 to the absentee ballot requests.

8 3. Provided, this notification requirement shall not apply to  
9 requests for absentee ballots to be sent to the addresses of nursing  
10 homes, veterans centers, medical facilities, multiunit housing,  
11 addresses of installations of the Armed Forces of the United States  
12 where uniformed or overseas voters as defined by the Uniformed and  
13 Overseas Citizens Absentee Voting Act, are stationed or other  
14 locations authorized in writing by the Secretary of the State  
15 Election Board.

16 E. The provisions of this section shall only apply to an  
17 election conducted by a county election board, ~~or~~ the State Election  
18 Board or a political subdivision of this state.

19 SECTION 7. AMENDATORY 26 O.S. 2011, Section 14-110.1, as  
20 last amended by Section 5, Chapter 200, O.S.L. 2013 (26 O.S. Supp.  
21 2019, Section 14-110.1), is amended to read as follows:

22 Section 14-110.1. A. A registered voter who swears or affirms  
23 that the voter is physically unable to vote in person at the  
24 precinct on the day of the election because the voter is:

- 1           1. Physically incapacitated; or  
2           2. Charged with the care of another person who is physically  
3 incapacitated and who cannot be left unattended;  
4 may apply for an absentee ballot.

5           B. Such applications may be made by United States mail, by  
6 facsimile device as defined by Section 1862 of Title 21 of the  
7 Oklahoma Statutes or by a means of electronic communication  
8 designated by the Secretary of the State Election Board ~~or~~.

9           C. Such application may also be made in person at the office of  
10 the county election board by an agent of the voter. ~~Such an~~

11           1. The agent shall be a person of the voter's choosing who is  
12 at least sixteen (16) years of age and who is not employed by or  
13 related within the third degree of consanguinity or affinity to any  
14 person whose name appears on the ballot.

15           2. No person may be the agent for more than one voter at any  
16 election; provided, a person may be the agent for more than one  
17 first degree relative at an election.

18           3. The agent shall provide his or her legal name and address of  
19 residence to the secretary of the county election board.

20           C. The Secretary of the State Election Board shall prescribe a  
21 form to be used for the application described in this section,  
22 although any application setting forth substantially the same facts  
23 shall be valid.

24

1 SECTION 8. AMENDATORY 26 O.S. 2011, Section 14-111.1, is  
2 amended to read as follows:

3 Section 14-111.1. When ~~such~~ an application for an absentee  
4 ballot, as described in Section 14-110.1 of this title, is received  
5 by the secretary of a county election board, it shall be his or her  
6 duty to verify the registration of ~~said~~ the voter and to transmit,  
7 by United States mail, the ballots which ~~said~~ the voter has  
8 requested and is entitled to receive.

9 SECTION 9. AMENDATORY 26 O.S. 2011, Section 14-112.1, is  
10 amended to read as follows:

11 Section 14-112.1. ~~Said~~ The ballots must be accompanied by:

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

14 2. An envelope bearing an affidavit stating that the voter is  
15 qualified to vote, that ~~he~~ the voter has personally marked the  
16 ballots or has directed a person chosen by the voter to mark the  
17 ballots in accordance with the provisions of Section 7-123.3 of this  
18 title; ~~and~~

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

21 4. Such other information the Secretary of the State Election  
22 Board deems necessary.

23 SECTION 10. AMENDATORY 26 O.S. 2011, Section 14-113.2,  
24 is amended to read as follows:

1 Section 14-113.2. A. 1. The voter shall be responsible for  
2 marking the ballots or directing a person chosen by the voter to  
3 mark the ballots in accordance with the provisions of Section 7-  
4 123.3 of this title and as prescribed by the Secretary of the State  
5 Election Board;

6 2. The voter shall seal the ballots in the plain opaque  
7 envelope;

8 3. The voter shall fill out completely and sign the affidavit  
9 or direct a person chosen by the voter to sign the affidavit, ~~such~~  
10 whose name and address of residence shall be noted on the affidavit;

11 4. The voter's signature ~~to~~ shall be witnessed by two persons,  
12 who did not sign the affidavit, ~~whose~~ who shall be at least eighteen  
13 (18) years of age and citizens of the United States. The signature,  
14 printed name and address of residence of each witness shall appear  
15 on the affidavit; and

16 5. The voter shall seal the plain opaque envelope inside the  
17 envelope bearing the affidavit and return both envelopes, sealed  
18 inside the return envelope, by United States mail or by a private  
19 mail service, provided such service has delivery documentation, to  
20 the county election board.

21 B. 1. No person, except members of absentee voting boards,  
22 shall witness the signature of more than five affidavits of persons  
23 who swear they are physically incapacitated and unable to vote in  
24 person at their precinct on election day.

1        2. No person who is a candidate for an office on the ballot or  
2 who is related within the third degree of consanguinity or affinity  
3 to a candidate on the ballot may witness any absentee ballot  
4 affidavit.

5        SECTION 11.        AMENDATORY        26 O.S. 2011, Section 14-115, is  
6 amended to read as follows:

7        Section 14-115.    A. If the secretary of a county election board  
8 receives a request from an incapacitated elector confined to a  
9 nursing facility, as defined in Section 1-1902 of Title 63 of the  
10 Oklahoma Statutes, or a veterans center established pursuant to  
11 Title 72 of the Oklahoma Statutes within the county of the  
12 jurisdiction of the secretary, the secretary shall cause to be  
13 implemented the following procedures:

14        1. On the Thursday, Friday, Saturday or Monday preceding the  
15 election, the absentee voting board shall deliver to each registered  
16 voter who is confined to a nursing facility, as defined in Section  
17 1-1902 of Title 63 of the Oklahoma Statutes, or a veterans center  
18 established pursuant to Title 72 of the Oklahoma Statutes and who  
19 requested ballots for an incapacitated voter ~~said~~ the ballots and  
20 materials as may be necessary to vote same.

21        2. The voter must mark the ballots in the manner hereinbefore  
22 provided in the presence of the absentee voting board, but in such a  
23 manner as to make it impossible for any person other than the voter  
24 to ascertain how ~~said~~ the ballots are marked. Insofar as is

1 possible, the voting procedure shall be the same as if the voter  
2 were casting a vote in person at a precinct.

3 3. The voter shall then seal ~~said~~ the ballots in the plain  
4 opaque envelope and shall seal ~~said~~ the plain opaque envelope in the  
5 envelope bearing an affidavit. The voter must complete ~~said~~ the  
6 affidavit, and the signature of the voter on same must be witnessed  
7 by both members of the absentee voting board.

8 4. The envelope bearing an affidavit then must be sealed in the  
9 return envelope, which shall be returned by the absentee voting  
10 board to the secretary of the county election board on the same day  
11 ~~said~~ the affidavit was executed.

12 5. Ballots cast in ~~said~~ the manner shall be counted in the same  
13 manner as regular mail absentee ballots.

14 B. The voter may request the assistance of the absentee voting  
15 board members to mark a ballot, complete the affidavit or seal the  
16 envelopes as described in this section.

17 C. 1. An administrator or employee of a nursing facility or  
18 veterans center who attempts to coerce or influence the vote of a  
19 person residing in or confined to that facility shall be deemed to  
20 be in violation of Section 16-113 of this title.

21 2. An administrator or employee of a nursing facility or  
22 veterans center who prevents or attempts to prevent a person  
23 residing in or confined to that facility from voting pursuant to  
24

1 this section shall be deemed to be in violation of Section 16-109 of  
2 this title.

3 SECTION 12. AMENDATORY 26 O.S. 2011, Section 14-115.1,  
4 is amended to read as follows:

5 Section 14-115.1. A. A registered voter who becomes  
6 incapacitated after 5:00 p.m. on Tuesday preceding an election, and  
7 who is unable to vote in person at the appropriate precinct on the  
8 day of the election may make a written ~~request~~ application for an  
9 absentee ballot. The ~~request~~ application shall be signed by the  
10 voter, or signed by a witness at the voter's direction if the voter  
11 is unable to sign his or her name, and shall be transmitted to the  
12 secretary of the county election board.

13 B. The person transmitting ~~said request~~ the application on  
14 behalf of the voter may be anyone of the voter's choosing at least  
15 sixteen (16) years of age; provided, ~~said~~ the person is not employed  
16 by nor related within the third degree of consanguinity or affinity  
17 to any person whose name appears on the ballot. The person becomes  
18 the voter's agent for purposes of voting by absentee ballot. The  
19 agent shall provide his or her legal name and address of residence  
20 to the secretary of the county election board.

21 C. The voter's ~~request~~ application must be accompanied by a  
22 sworn statement by a duly licensed physician. ~~Expected or likely~~  
23 ~~confinement for childbirth on election day is sufficient cause to~~  
24 ~~entitle a voter to vote absentee pursuant to this section.~~ The



1 statement must attest to the fact that the voter is in fact unable  
2 to vote in person at the appropriate precinct on the day of the  
3 election because of a physical incapacity and that ~~said~~ the physical  
4 incapacity originated after 5:00 p.m. on Tuesday preceding an  
5 election, and that the voter is of sound mind. The Secretary of the  
6 State Election Board may prescribe forms to be used for the  
7 physician's statement. For the purposes of this subsection, an  
8 expected or likely confinement related to childbirth shall qualify  
9 as physical incapacitation under this section and is sufficient  
10 cause to entitle a voter to vote absentee pursuant to the provisions  
11 of this section.

12 D. 1. Upon receipt of the voter's ~~request~~ application and  
13 accompanying sworn physician's statement, the secretary of the  
14 county election board shall issue to the voter's agent the  
15 appropriate ballots and envelopes required for voting by  
16 incapacitated voters. The ballots must be returned by the agent to  
17 the secretary of the county election board no later than 7:00 p.m.  
18 on the day of the election. No person may be the agent for more  
19 than one voter at any election. Upon return of the absentee  
20 ballots, the secretary of the county election board shall cause ~~said~~  
21 the ballots to be processed in the same manner as is prescribed for  
22 other absentee ballots.

23  
24

1 SECTION 13. AMENDATORY 26 O.S. 2011, Section 14-118.1,  
2 as amended by Section 9, Chapter 200, O.S.L. 2013 (26 O.S. Supp.  
3 2019, Section 14-118.1), is amended to read as follows:

4 Section 14-118.1. A. In the event that an absentee ballot  
5 mailed to a voter identified by Section 14-142 of this title or  
6 otherwise transmitted to a voter as provided by law cannot be  
7 received by the voter, voted and returned to the secretary of the  
8 county election board in the county of the residence of the voter in  
9 time to be counted, the secretary shall be authorized to transmit a  
10 ballot for federal offices by facsimile device as defined in Section  
11 1862 of Title 21 of the Oklahoma Statutes, provided that the voter  
12 has made a timely application for an absentee ballot. The voter may  
13 transmit by facsimile device the voted ballot only to the location  
14 designated by the Secretary of the State Election Board.

15 B. Regular absentee ballots also shall be mailed to the voter,  
16 and if the regular ballots are returned by the voter and received by  
17 the secretary of the county election board in time to be counted,  
18 the ballot transmitted by facsimile device shall not be counted.

19 C. The Secretary of the State Election Board shall promulgate  
20 rules setting forth procedures and prescribe appropriate forms to  
21 transmit and to receive absentee ballots pursuant to this section.

22 SECTION 14. AMENDATORY 26 O.S. 2011, Section 14-137, is  
23 amended to read as follows:

24

1 Section 14-137. As used in the Uniform Military and Overseas  
2 Voters Act:

3 1. "Covered voter" means:

- 4 a. a uniformed-service voter or an overseas voter who is  
5 registered to vote in this state,
- 6 b. a uniformed-service voter defined in subparagraph a of  
7 paragraph 9 of this section, whose voting residence is  
8 in this state and who otherwise satisfies this state's  
9 voter eligibility requirements,
- 10 c. an overseas voter who, before leaving the United  
11 States, was last eligible to vote in this state and,  
12 except for a state residency requirement, otherwise  
13 satisfies this state's voter eligibility requirements,
- 14 d. an overseas voter who, before leaving the United  
15 States, would have been last eligible to vote in this  
16 state had the voter then been of voting age and,  
17 except for a state residency requirement, otherwise  
18 satisfies this state's voter eligibility requirements,  
19 or
- 20 e. an overseas voter who was born outside the United  
21 States, is not described in subparagraph c or d of  
22 this paragraph, and, except for a state residency  
23 requirement, otherwise satisfies this state's voter  
24 eligibility requirements, if:

- 1 (1) the last place where a parent or legal guardian  
2 of the voter was, or under ~~this act~~ the Uniform  
3 Military and Overseas Voters Act would have been,  
4 eligible to vote before leaving the United States  
5 is within this state, ~~and~~
- 6 (2) the voter has not previously registered to vote  
7 in any other state, and
- 8 (3) the voter has not previously registered to vote  
9 or voted in a nation other than the United  
10 States;

11 2. "Dependent" means an individual recognized as a dependent by  
12 a uniformed service;

13 3. "Federal postcard application" means the application  
14 prescribed under Section 101(b)(2) of the Uniformed and Overseas  
15 Citizens Absentee Voting Act, 42 U.S.C. Section 1973ff(b)(2);

16 4. "Federal write-in absentee ballot" means the ballot  
17 described in Section 103 of the Uniformed and Overseas Citizens  
18 Absentee Voting Act, 42 U.S.C. Section 1973ff-2;

19 5. "Military-overseas ballot" means:

- 20 a. a federal write-in absentee ballot,
- 21 b. a ballot specifically prepared or distributed for use  
22 by a covered voter in accordance with ~~this act~~ the  
23 Uniform Military and Overseas Voters Act, or  
24

1 c. a ballot cast by a covered voter in accordance with  
2 ~~this act~~ the Uniform Military and Overseas Voters Act;

3 6. "Overseas voter" means a United States citizen who is  
4 outside the United States;

5 7. "State" means a state of the United States, the District of  
6 Columbia, Puerto Rico, the United States Virgin Islands, or any  
7 territory or insular possession subject to the jurisdiction of the  
8 United States;

9 8. "Uniformed service" means:

10 a. active and reserve components of the Army, Navy, Air  
11 Force, Marine Corps, or Coast Guard of the United  
12 States,

13 b. the Merchant Marine, the commissioned corps of the  
14 Public Health Service, or the commissioned corps of  
15 the National Oceanic and Atmospheric Administration of  
16 the United States, or

17 c. the National Guard and state militia;

18 9. "Uniformed-service voter" means an individual who is  
19 qualified to vote and is:

20 a. a member of the active or reserve components of the  
21 Army, Navy, Air Force, Marine Corps, or Coast Guard of  
22 the United States who is on active duty,

23 b. a member of the Merchant Marine, the commissioned  
24 corps of the Public Health Service, or the

1 commissioned corps of the National Oceanic and  
2 Atmospheric Administration of the United States,

3 c. a member on activated status of the National Guard or  
4 state militia, or

5 d. a spouse or dependent of a member referred to in this  
6 paragraph; and

7 10. "United States", used in the territorial sense, means the  
8 several states, the District of Columbia, Puerto Rico, the United  
9 States Virgin Islands, and any territory or insular possession  
10 subject to the jurisdiction of the United States.

11 SECTION 15. AMENDATORY 26 O.S. 2011, Section 14-140, is  
12 amended to read as follows:

13 Section 14-140. In registering to vote, an overseas voter who  
14 is eligible to vote in this state shall use and must be assigned to  
15 the voting precinct of the address of the last place of residence of  
16 the voter in this state, or, in the case of a voter described by  
17 subparagraph c of paragraph 1 of Section ~~2 of this act~~ 14-137 of  
18 this title, the address of the last place of residence in this state  
19 of the parent or legal guardian of the voter. If that address is no  
20 longer a recognized residential address, the voter must be assigned  
21 ~~an address~~ to the polling place assigned to that geographic area for  
22 voting purposes.

1 SECTION 16. NEW LAW A new section of law to be codified  
2 in the Oklahoma Statutes as Section 16-104.1 of Title 26, unless  
3 there is created a duplication in numbering, reads as follows:

4 A. It shall be a felony for any person to engage in or to  
5 conspire to engage in absentee ballot harvesting as defined in  
6 Section 1 of this act involving ten (10) or more absentee ballots at  
7 any election conducted in this state by a county election board, the  
8 State Election Board or a political subdivision of this state.

9 B. It shall be a felony for any person to direct or cause  
10 another person or persons to commit acts of ballot harvesting  
11 involving a total of ten (10) or more absentee ballots at any  
12 election conducted in this state by a county election board, the  
13 State Election Board or a political subdivision of this state.

14 SECTION 17. AMENDATORY 26 O.S. 2011, Section 16-106, is  
15 amended to read as follows:

16 Section 16-106. Any person who offers, solicits or accepts  
17 something of value intended to directly or indirectly influence the  
18 vote of the person ~~soliciting or accepting same~~, or in exchange for  
19 voting, not voting, registering to vote or applying for or returning  
20 an absentee ballot, shall be deemed guilty of a felony.

21 SECTION 18. NEW LAW A new section of law to be codified  
22 in the Oklahoma Statutes as Section 16-126 of Title 26, unless there  
23 is created a duplication in numbering, reads as follows:

24

1       A. It shall be a misdemeanor for any person to engage in or to  
2       conspire to engage in absentee ballot harvesting as defined in  
3       Section 1 of this act involving fewer than ten (10) absentee ballots  
4       at any election conducted in this state by a county election board,  
5       the State Election Board or a subdivision of this state.

6       B. It shall be a misdemeanor for any person to direct or cause  
7       another person or persons to commit acts of ballot harvesting  
8       involving a total of fewer than ten (10) absentee ballots at any  
9       election conducted in this state by a county election board, the  
10      State Election Board or a subdivision of this state.

11      SECTION 19.       RECODIFICATION       26 O.S. 2011, Section 14-118,  
12      as amended by Section 8, Chapter 200, O.S.L. 2013 (26 O.S. Supp.  
13      2019, Section 14-118), shall be recodified as Section 14-142.1 of  
14      Title 26 of the Oklahoma Statutes, unless there is created a  
15      duplication in numbering.

16      SECTION 20.       RECODIFICATION       26 O.S. 2011, Section 14-  
17      118.1, as amended by Section 9, Chapter 200, O.S.L. 2013 (26 O.S.  
18      Supp. 2019, Section 14-118.1) and by Section 13 of this act, shall  
19      be recodified as Section 14-142.2 of Title 26 of the Oklahoma  
20      Statutes, unless there is created a duplication in numbering.

21      SECTION 21. It being immediately necessary for the preservation  
22      of the public peace, health or safety, an emergency is hereby  
23  
24



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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