

1 STATE OF OKLAHOMA

2 1st Session of the 57th Legislature (2019)

3 SENATE BILL NO. 634

By: Brooks

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5
6 AS INTRODUCED

7 An Act relating to elections; providing for all
8 elections to be conducted by mail beginning with the
9 2022 election cycle; specifying duties of Secretary
10 of State Election Board and secretary of county
11 election board; providing for establishment of
12 certain rules; providing procedures for conduct of
13 elections; specifying deadlines; requiring certain
14 language on ballots; providing for delivery and
15 return of ballots; providing procedures to obtain
16 replacement ballot; specifying conditions for
17 counting of ballot; requiring verification of
18 signature; providing for codification; and providing
19 an effective date.

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 7-102.2 of Title 26, unless
23 there is created a duplication in numbering, reads as follows:

24 A. Beginning with the 2022 election cycle, ballots for all
elections in this state shall be distributed by mail as provided in
this section.

B. The Secretary of the State Election Board shall promulgate
rules to:

1 1. Provide for uniformity in the distribution of ballots for
2 state elections by mail; and

3 2. Prescribe the procedures for distribution of ballots by
4 mail.

5 C. The Secretary by rule shall establish requirements and
6 criteria for the designation of places of deposit for the ballots
7 cast in an election. The rules shall also specify the dates and
8 times the places of deposit must be open and the security
9 requirements for the places of deposit. At a minimum, the places
10 designated under this section shall be open on the date of the
11 election for a period of eight (8) or more hours, but must be open
12 until at least 7:00 p.m. At each place of deposit designated under
13 this section, the secretary of the county election board shall
14 prominently display a sign stating that the location is an official
15 ballot drop site.

16 D. 1. Except as provided in paragraphs 2 and 3 of this
17 subsection, the secretary of the county election board shall mail by
18 nonforwardable mail an official ballot with a return identification
19 envelope and a secrecy envelope not sooner than the twentieth day
20 before the date of an election and not later than the fourteenth day
21 before the date of the election, to each registered voter of the
22 electoral district as of the twenty-first day before the date of the
23 election.

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1 2. If the secretary of the county election board determines
2 that a registered voter of the electoral district as of the twenty-
3 first day before the date of the election does not receive daily
4 mail service from the United States Postal Service, the secretary of
5 the county election board shall mail by nonforwardable mail an
6 official ballot with a return identification envelope and a secrecy
7 envelope to the voter not sooner than the twentieth day before the
8 date of an election and not later than the eighteenth day before the
9 date of the election.

10 3. In the case of ballots to be mailed to addresses outside
11 this state to voters who are not military or overseas voters, the
12 secretary of the county election board may mail the ballots not
13 sooner than the twenty-ninth day before the date of the election.

14 E. For an election held on the date of a primary election:

15 1. The secretary of the county election board shall mail the
16 official ballot of a major political party to each voter who is
17 registered as being affiliated with the major political party as of
18 the twenty-first day before the date of the election;

19 2. The secretary of the county election board shall mail the
20 official ballot of a major political party to a voter designated as
21 Independent if the voter has applied for the ballot as provided in
22 this subsection and that party has provided under Section 1-104 of
23 Title 26 of the Oklahoma Statutes for a primary election that admits
24 voters designated as Independent; and

1 3. If the primary election ballot includes nonpartisan offices
2 or measures, the secretary of the county election board shall mail
3 to each voter who is not eligible to vote for party candidates a
4 ballot limited to those offices and measures for which the voter is
5 eligible to vote.

6 F. The ballot shall contain the following warning:

7 "Any person who votes more than once at any election, who votes
8 in a precinct after having transferred voter registration to a new
9 precinct, or who, knowing that he or she is not eligible to vote at
10 an election, willfully votes at the election shall be deemed guilty
11 of a felony.

12 Any person who attempts to influence the vote of another by
13 means of force or intimidation, or any person who interferes with
14 the orderly and lawful conduct of an election, shall be deemed
15 guilty of a misdemeanor."

16 G. 1. Upon receipt of any ballot described in this section,
17 the voter shall mark the ballot, sign the return identification
18 envelope supplied with the ballot and comply with the instructions
19 provided with the ballot.

20 2. The voter may return the marked ballot to the secretary of
21 the county election board by United States mail or by depositing the
22 ballot at the office of the county election board, at any place of
23 deposit designated by the secretary of the county election board.

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1 3. The ballot must be returned in the return identification
2 envelope. If the voter returns the ballot by mail, the voter must
3 provide the postage.

4 4. Subject to paragraph 5 of this subsection, if another person
5 returns a ballot for a voter, the person shall deposit the ballot in
6 a manner described in paragraph 2 of this subsection not later than
7 two (2) days after receiving the ballot.

8 5. A ballot must be received at the office of the county
9 election board or at the designated place of deposit not later than
10 the end of the period determined under subsection C of this section
11 on the date of the election.

12 6. A ballot distributed and returned as provided in this
13 section shall not be required to be notarized.

14 H. A voter may obtain a replacement ballot if the ballot is
15 destroyed, spoiled, lost or not received by the voter. Replacement
16 ballots shall be issued and processed as described in this section
17 and as provided by law. The secretary of the county election board
18 shall keep a record of each replacement ballot provided under this
19 subsection. Notwithstanding any deadline for mailing ballots in
20 subsection D of this section, a replacement ballot may be mailed,
21 made available in the office of the county election board or made
22 available at one central location in the electoral district in which
23 the election is conducted. The secretary of the county election
24 board shall designate the central location. A replacement ballot

1 need not be mailed after the fifth day before the date of the
2 election.

3 I. A ballot shall be counted only if:

4 1. It is returned in the return identification envelope;

5 2. The envelope is signed by the voter to whom the ballot is
6 issued; and

7 3. The signature is verified as provided in subsection J of
8 this section.

9 J. The secretary of the county election board shall verify the
10 signature of each voter on the return identification envelope with
11 the signature on the voter's registration card, according to the
12 procedure provided by rules adopted by the Secretary of the State
13 Election Board. If the secretary of the county election board
14 determines that a voter to whom a replacement ballot has been issued
15 has voted more than once, the secretary of the county election board
16 shall count only one ballot cast by that voter.

17 K. At 7:00 p.m. on election day, voters who are at the office
18 of the county election board or a place of deposit designated under
19 subsection C of this section and who are in line waiting to vote or
20 deposit a voted ballot shall be considered to have begun the act of
21 voting.

22 SECTION 2. This act shall become effective November 1, 2019.

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