

STATE OF OKLAHOMA

1st Session of the 59th Legislature (2023)

SENATE BILL 700

By: Rader

AS INTRODUCED

An Act relating to elections; amending 26 O.S. 2021, Sections 5-111, 5-119, 7-122, 14-101.1, as last amended by Section 4, Chapter 291, O.S.L. 2022, 16-105, and 16-123 (26 O.S. Supp. 2022, Section 14-101.1), which relate to declarations of candidacy, contest, spoiled ballots, absentee ballot harvesting, and fraud; adding information to be included on declaration of candidacy form; increasing time period for filing of certain petition; clarifying procedure for spoiled ballots; adding intent requirement to certain offense; authorizing certain complaints to county election boards; clarifying requirement for certain notification; and providing an effective date.

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

SECTION 1. AMENDATORY 26 O.S. 2021, Section 5-111, is amended to read as follows:

Section 5-111. A. Forms to be used for filing Declarations of Candidacy shall be prescribed by the Secretary of the State Election Board and shall contain the following information:

1. The name of the candidate as it shall appear on the ballot;
2. The legal name of the candidate;
3. The candidate's place of residence and mailing address;

1 4. The name of the office sought;

2 5. The candidate's date of birth;

3 6. The party affiliation of the candidate seeking political
4 party nomination and the date the candidate registered as a voter of
5 the political party, if available;

6 7. The voter identification number of the candidate and the
7 precinct and county wherein the candidate is a registered voter;

8 8. An oath wherein the candidate swears or affirms that he or
9 she is qualified to become a candidate for the office sought, and
10 that, if elected, the candidate will be qualified to hold the
11 office; and

12 9. Any additional information which the Secretary deems
13 necessary.

14 B. If the candidate has ever been ultimately determined by a
15 court of proper authority to be guilty of an offense specified in
16 subsection A of Section 5-105a of this title or at the time of
17 filing the Declaration of Candidacy is named in an outstanding
18 warrant for arrest for such an offense, in this or any other state,
19 the candidate shall provide the following information on a form
20 prescribed by the Secretary of the State Election Board:

21 1. The name of the offense;

22 2. The date of conviction or issuance of the outstanding
23 warrant; and

1 3. The county and state of conviction or issuance of the
2 outstanding warrant.

3 The provisions of this subsection shall not apply to an offense
4 for which the candidate has received a pardon.

5 C. A Declaration of Candidacy form must be signed by the
6 candidate, and the signature must be properly notarized by a notary
7 public or other person authorized by law to administer oaths.

8 D. In addition to the information required by this section, a
9 candidate may include a telephone number, email address and website
10 address. Such additional information shall not be required of any
11 candidate but if provided shall be made available to the public.

12 SECTION 2. AMENDATORY 26 O.S. 2021, Section 5-119, is
13 amended to read as follows:

14 Section 5-119. The petition must be filed no later than 5:00
15 p.m. on the ~~second~~ fourth business day following the close of the
16 filing period.

17 SECTION 3. AMENDATORY 26 O.S. 2021, Section 7-122, is
18 amended to read as follows:

19 Section 7-122. Should a voter spoil any ballot in an effort to
20 vote the same, the voter shall fold the ballot and return it to the
21 clerk. The clerk shall destroy the ballot in the presence of the
22 voter and shall issue the voter another ballot in the same manner
23 that the first one was provided. The voter must execute an
24 affidavit prescribed by the Secretary of the State Election Board in
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1 which the voter swears or affirms that he or she spoiled the
2 original ballot, returned the ballot to the clerk, that the clerk
3 destroyed the ballot in the voter's presence and that the voter was
4 issued a new ballot. Spoiled ballots shall be placed in a separate
5 receptacle and returned to the county election board.

6 SECTION 4. AMENDATORY 26 O.S. 2021, Section 14-101.1, as
7 last amended by Section 4, Chapter 291, O.S.L. 2022 (26 O.S. Supp.
8 2022, Section 14-101.1), is amended to read as follows:

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

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

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

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

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

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

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

4 7. 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. A voter's assistant or agent acting pursuant to law as
11 otherwise allowed by this title;

12 2. An absentee voting board member, as described in this title,
13 who assists a voter confined to a nursing home or veterans center
14 pursuant to law;

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

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

22 5. A voter's spouse who, with the voter's consent, returns the
23 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 5. AMENDATORY 26 O.S. 2021, Section 16-105, is
4 amended to read as follows:

5 Section 16-105. A. Any person who knowingly conspires to
6 commit fraud or perpetrates fraud, or who steals supplies used to
7 conduct an election, in order to change a voter's vote, or to change
8 the composition of the official ballot or ballots, or to change the
9 counting of the ballots, or to change the certification of the
10 results of an election, shall be deemed guilty of a felony.

11 B. At every precinct there shall be posted information,
12 provided by the State Election Board, which states the penalties for
13 voter fraud and states that, if voter fraud is suspected, complaints
14 should be reported to the State Election Board or county election
15 board.

16 C. The State Election Board or county election board shall,
17 upon receiving the complaint:

18 1. Document such complaint and request the name and mailing
19 address of the person making the complaint;

20 2. Send a letter to the person making the complaint, stating
21 the penalties for voter fraud and the option of contacting the
22 district attorney in the county where such fraud is suspected; and

23 3. Provide the district attorney's name and phone number.
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1 D. All information relating to voter complaints shall remain
2 confidential until after the complaint has resulted in a conviction
3 or a plea of guilty or nolo contendere.

4 SECTION 6. AMENDATORY 26 O.S. 2021, Section 16-123, is
5 amended to read as follows:

6 Section 16-123. A. The Secretary of the State Election Board
7 or any county election board who has documents that appear to be
8 evidence of ~~voter registration or voting crimes~~ any criminal
9 violation described in this title shall notify the district attorney
10 for the county or counties involved.

11 B. When presented with documentation of possible voter
12 registration or voting crimes by the Secretary of the State Election
13 Board or any county election board, a district attorney shall
14 investigate and, within thirty (30) days and each thirty (30) days
15 thereafter following receipt of such documentation, report in
16 writing to the Secretary of the State Election Board or county
17 election board the status of the investigation until charges are
18 filed or the district attorney declines to file charges.

19 SECTION 7. This act shall become effective November 1, 2023.
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