

1 STATE OF OKLAHOMA

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

3 CONFERENCE COMMITTEE  
4 SUBSTITUTE  
5 FOR ENGROSSED  
6 HOUSE BILL NO. 1259

By: Hilbert of the House

and

7 Paxton, Montgomery and Dahm  
8 of the Senate

9  
10 CONFERENCE COMMITTEE SUBSTITUTE

11 An Act relating to elections; amending 26 O.S. 2011,  
12 Sections 7-109 and 14-107, which relate to conduct of  
13 elections; allowing disclosure of certain ballots by  
14 specific means; making certain acts unlawful;  
15 providing penalties; providing for codification; and  
16 providing an effective date.

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

18 SECTION 1. AMENDATORY 26 O.S. 2011, Section 7-109, is  
19 amended to read as follows:

20 Section 7-109. No person shall, within the election enclosure,  
21 disclose to any other person how he or she voted; nor shall any  
22 person expose his or her ballot to any other person within the  
23 election enclosure. A voter may take a digital image or photograph  
24 of his or her marked ballot and distribute or share the image via

1 social media or by any other means if performed voluntarily and in  
2 compliance with state and federal law. Testimony as to how any  
3 individual cast his or her ballot, whether or not said ballot was  
4 lawfully cast, shall not be admissible as evidence in any court of  
5 law or public hearing in this state.

6 SECTION 2. AMENDATORY 26 O.S. 2011, Section 14-107, is  
7 amended to read as follows:

8 Section 14-107. A. Absentee ballots must be accompanied by:

- 9 1. A plain opaque envelope in which voted ballots must be  
10 placed by the voter;
- 11 2. An envelope bearing an affidavit stating that the voter is  
12 qualified to vote, and that the voter has personally marked the  
13 ballots, and has not exhibited the marked ballots to any other  
14 person;
- 15 3. A return envelope addressed to the secretary of the county  
16 election board; and
- 17 4. A notice that it is illegal for a Notary Public in this  
18 state to charge a fee to notarize an official absentee ballot  
19 affidavit.

20 B. A voter may take a digital image or photograph of his or her  
21 marked absentee ballot and distribute or share the image via social  
22 media or by any other means if performed voluntarily and in  
23 compliance with state and federal law. Testimony as to how any  
24 individual cast his or her absentee ballot, whether or not said

1 absentee ballot was lawfully cast, shall not be admissible as  
2 evidence in any court of law or public hearing in this state.

3 SECTION 3. NEW LAW A new section of law to be codified  
4 in the Oklahoma Statutes as Section 16-124 of Title 26, unless there  
5 is created a duplication in numbering, reads as follows:

6 A. Any person who shares such an image as described in Section  
7 7-109 or 14-107 of Title 26 of the Oklahoma Statutes in order to  
8 intimidate, coerce or unlawfully influence another voter, shall,  
9 upon conviction, be guilty of a misdemeanor.

10 B. No employer, supervisor, union leader, or other person with  
11 authority or influence over another person, shall demand or require  
12 that person to distribute or share an image of his or her voted  
13 ballot. Any person who violates this subsection shall, upon  
14 conviction, be guilty of a misdemeanor.

15 SECTION 4. This act shall become effective November 1, 2019.

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