

**CORRECTED**

**HOUSE OF REPRESENTATIVES - FLOOR VERSION**

STATE OF OKLAHOMA

2nd Session of the 57th Legislature (2020)

ENGROSSED SENATE

BILL NO. 1779

By: Treat of the Senate

and

McCall of the House

An Act relating to absentee ballots; defining term; prohibiting absentee ballot harvesting in certain elections; providing exceptions; amending 26 O.S. 2011, Sections 14-105, as amended by Section 4, Chapter 200, O.S.L. 2013, 14-106, 14-107, as amended by Section 2, Chapter 457, O.S.L. 2019, 14-108, as amended by Section 2, Chapter 237, O.S.L. 2016, Section 1, Chapter 26, O.S.L. 2012, as last amended by Section 1, Chapter 333, O.S.L. 2015, 14-110.1, as last amended by Section 5, Chapter 200, O.S.L. 2013, 14-111.1, 14-112.1, 14-113.2, 14-115, 14-115.1 and 14-118.1, as amended by Section 9, Chapter 200, O.S.L. 2013 (26 O.S. Supp. 2019, Sections 14-105, 14-107, 14-108, 14-108.1, 14-110.1 and 14-118.1), which relate to absentee voting; prohibiting application for or transmission of an absentee ballot for another 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;

1 modifying requirements for completion of certain  
2 ballot; authorizing certain assistance by absentee  
3 voting board members; establishing violations for  
4 certain coercion; adding requirements for certain  
5 agent; modifying requirements for establishment of  
6 voter incapacity; modifying format; amending 26 O.S.  
7 2011, Sections 14-137 and 14-140, which relate to the  
8 Uniform Military and Overseas Voters Act; modifying  
9 definition; modifying assignment of location for  
10 voting; establishing felony offense; establishing  
11 misdemeanor offense; clarifying language; making  
12 language gender neutral; updating statutory language;  
13 providing for recodification; providing for  
14 codification; and declaring an emergency.

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

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

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

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

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

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

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

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

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

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

12 1. An assistant or agent acting on behalf of a physically  
13 incapacitated or emergency incapacitated voter as described in Title  
14 26 of the Oklahoma Statutes;

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

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

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

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

3 6. An official action by an election official that is required  
4 or authorized by law.

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

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

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

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

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

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

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

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

14 Section 14-107. A. Absentee ballots, as described in Section  
15 14-105 of this title, must be accompanied by:

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

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

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

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

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

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

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

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

1        2. The voter to whom the absentee ballot was issued shall  
2 return both envelopes, sealed inside the return envelope, to the  
3 county election board by hand delivery, one of the following  
4 methods:

5            a. United States mail ~~or by a,~~

6            b. a private mail or delivery service, ~~provided such~~  
7            ~~service has delivery documentation, to the county~~  
8            ~~election board, or~~

9            c. in-person delivery as described in subsection C of  
10            this section.

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

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

21        ~~B. The ballot shall not be notarized by any person whose name~~  
22 ~~appears on the ballot as a candidate or by any campaign chairperson~~  
23 ~~or campaign treasurer for a candidate whose name appears on the~~  
24 ~~ballot.~~

1 C. ~~Any~~ 1. A voter ~~who may hand delivers~~ deliver his or her  
2 absentee ballot accompanied by the notarized absentee ballot  
3 affidavit in person to the county election board as provided in  
4 subsection A of this section and shall provide proof of identity to  
5 the secretary of the county election board ~~and shall hand deliver~~  
6 ~~the ballot no later than the end of regular business hours on the~~  
7 ~~day prior to the date of the election~~ or a designee at the time of  
8 delivery.

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

12 3. For purposes of this ~~section,~~ subsection:

13 a. "proof of identity" ~~shall have the same meaning~~ means  
14 a photo identification document or voter  
15 identification card as ~~used~~ described in subsection A  
16 of Section 7-114 of this title, and

17 b. "regular business hours" means the time the office is  
18 open for business to the general public on a given  
19 day.

20 SECTION 6. AMENDATORY Section 1, Chapter 26, O.S.L.  
21 2012, as last amended by Section 1, Chapter 333, O.S.L. 2015 (26  
22 O.S. Supp. 2019, Section 14-108.1), is amended to read as follows:

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



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

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

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

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

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

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

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

19 3. The limitation required by this subsection shall not apply  
20 to the notarizing of ~~ballots~~ absentee ballot affidavits at the place  
21 of business of a notary public that is open to the general public  
22 during the normal business hours of the notary public; ~~provided,~~  
23 ~~however, such limitations shall apply to any agency or other entity~~  
24 ~~that provides voter registration services as required by the~~

1 ~~National Voter Registration Act of 1993 or by Sections 4-109.2 and~~  
2 ~~4-109.3 of this title.~~

3 D. 1. If more than ten absentee ballots for a single election  
4 are requested to be mailed to a single mailing address, the  
5 secretary of the county election board shall immediately notify the  
6 district attorney for that county and the Secretary of the State  
7 Election Board.

8 2. Upon receipt of such notification, the district attorney, or  
9 a member of law enforcement designated by the district attorney,  
10 shall investigate any possible criminal violation of the law related  
11 to the absentee ballot requests.

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

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

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1 SECTION 7. AMENDATORY 26 O.S. 2011, Section 14-110.1, as  
2 last amended by Section 5, Chapter 200, O.S.L. 2013 (26 O.S. Supp.  
3 2019, Section 14-110.1), is amended to read as follows:

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

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

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

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

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

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

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

3       D. The Secretary of the State Election Board shall prescribe a  
4 form to be used for the application described in this section,  
5 although any application setting forth substantially the same facts  
6 shall be valid.

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

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

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

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

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

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

1           3. A return envelope addressed to the secretary of the county  
2 election board; and

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

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

7           Section 14-113.2. A. 1. The voter shall be responsible for  
8 marking the ballots or directing a person chosen by the voter to  
9 mark the ballots in accordance with the provisions of Section 7-  
10 123.3 of this title and as prescribed by the Secretary of the State  
11 Election Board;

12           2. The voter shall seal the ballots in the plain opaque  
13 envelope;

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

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

22           5. The voter shall seal the plain opaque envelope inside the  
23 envelope bearing the affidavit and return both envelopes, sealed  
24 inside the return envelope, by United States mail or by a private

1 mail service, provided such service has delivery documentation, to  
2 the county election board.

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

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

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

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

20 1. On the Thursday, Friday, Saturday or Monday preceding the  
21 election, the absentee voting board shall deliver to each registered  
22 voter who is confined to a nursing facility, as defined in Section  
23 1-1902 of Title 63 of the Oklahoma Statutes, or a veterans center  
24 established pursuant to Title 72 of the Oklahoma Statutes and who

1 requested ballots for an incapacitated voter ~~said~~ the ballots and  
2 materials as may be necessary to vote same.

3 2. The voter must mark the ballots in the manner hereinbefore  
4 provided in the presence of the absentee voting board, but in such a  
5 manner as to make it impossible for any person other than the voter  
6 to ascertain how ~~said~~ the ballots are marked. Insofar as is  
7 possible, the voting procedure shall be the same as if the voter  
8 were casting a vote in person at a precinct.

9 3. The voter shall then seal ~~said~~ the ballots in the plain  
10 opaque envelope and shall seal ~~said~~ the plain opaque envelope in the  
11 envelope bearing an affidavit. The voter must complete ~~said~~ the  
12 affidavit, and the signature of the voter on same must be witnessed  
13 by both members of the absentee voting board.

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

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

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

23 C. 1. An administrator or employee of a nursing facility or  
24 veterans center who attempts to coerce or influence the vote of a

1 person residing in or confined to that facility shall be deemed to  
2 be in violation of Section 16-113 of this title.

3 2. An administrator or employee of a nursing facility or  
4 veterans center who prevents or attempts to prevent a person  
5 residing in or confined to that facility from voting pursuant to  
6 this section shall be deemed to be in violation of Section 16-109 of  
7 this title.

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

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

18 B. The person transmitting ~~said request~~ the application on  
19 behalf of the voter may be anyone of the voter's choosing at least  
20 sixteen (16) years of age; provided, ~~said~~ the person is not employed  
21 by nor related within the third degree of consanguinity or affinity  
22 to any person whose name appears on the ballot. The person becomes  
23 the voter's agent for purposes of voting by absentee ballot. The  
24



1 agent shall provide his or her legal name and address of residence  
2 to the secretary of the county election board.

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

18 D. 1. Upon receipt of the voter's ~~request~~ application and  
19 accompanying sworn physician's statement, the secretary of the  
20 county election board shall issue to the voter's agent the  
21 appropriate ballots and envelopes required for voting by  
22 incapacitated voters. The ballots must be returned by the agent to  
23 the secretary of the county election board no later than 7:00 p.m.  
24 on the day of the election. No person may be the agent for more

1 than one voter at any election. Upon return of the absentee  
2 ballots, the secretary of the county election board shall cause ~~said~~  
3 the ballots to be processed in the same manner as is prescribed for  
4 other absentee ballots.

5 SECTION 13. AMENDATORY 26 O.S. 2011, Section 14-118.1,  
6 as amended by Section 9, Chapter 200, O.S.L. 2013 (26 O.S. Supp.  
7 2019, Section 14-118.1), is amended to read as follows:

8 Section 14-118.1. A. In the event that an absentee ballot  
9 mailed to a voter identified by Section 14-142 of this title or  
10 otherwise transmitted to a voter as provided by law cannot be  
11 received by the voter, voted and returned to the secretary of the  
12 county election board in the county of the residence of the voter in  
13 time to be counted, the secretary shall be authorized to transmit a  
14 ballot for federal offices by facsimile device as defined in Section  
15 1862 of Title 21 of the Oklahoma Statutes, provided that the voter  
16 has made a timely application for an absentee ballot. The voter may  
17 transmit by facsimile device the voted ballot only to the location  
18 designated by the Secretary of the State Election Board.

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

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

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

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

8        1. "Covered voter" means:

9            a. a uniformed-service voter or an overseas voter who is  
10            registered to vote in this state,

11            b. a uniformed-service voter defined in subparagraph a of  
12            paragraph 9 of this section, whose voting residence is  
13            in this state and who otherwise satisfies this state's  
14            voter eligibility requirements,

15            c. an overseas voter who, before leaving the United  
16            States, was last eligible to vote in this state and,  
17            except for a state residency requirement, otherwise  
18            satisfies this state's voter eligibility requirements,

19            d. an overseas voter who, before leaving the United  
20            States, would have been last eligible to vote in this  
21            state had the voter then been of voting age and,  
22            except for a state residency requirement, otherwise  
23            satisfies this state's voter eligibility requirements,

24            or

1 e. an overseas voter who was born outside the United  
2 States, is not described in subparagraph c or d of  
3 this paragraph, and, except for a state residency  
4 requirement, otherwise satisfies this state's voter  
5 eligibility requirements, if:

6 (1) the last place where a parent or legal guardian  
7 of the voter was, or under ~~this act~~ the Uniform  
8 Military and Overseas Voters Act would have been,  
9 eligible to vote before leaving the United States  
10 is within this state, ~~and~~

11 (2) the voter has not previously registered to vote  
12 in any other state, and

13 (3) the voter has not previously registered to vote  
14 or voted in a nation other than the United  
15 States;

16 2. "Dependent" means an individual recognized as a dependent by  
17 a uniformed service;

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

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

24 5. "Military-overseas ballot" means:

- 1 a. a federal write-in absentee ballot,  
2 b. a ballot specifically prepared or distributed for use  
3 by a covered voter in accordance with ~~this act~~ the  
4 Uniform Military and Overseas Voters Act, or  
5 c. a ballot cast by a covered voter in accordance with  
6 ~~this act~~ the Uniform Military and Overseas Voters Act;

7 6. "Overseas voter" means a United States citizen who is  
8 outside the United States;

9 7. "State" means a state of the United States, the District of  
10 Columbia, Puerto Rico, the United States Virgin Islands, or any  
11 territory or insular possession subject to the jurisdiction of the  
12 United States;

13 8. "Uniformed service" means:

- 14 a. active and reserve components of the Army, Navy, Air  
15 Force, Marine Corps, or Coast Guard of the United  
16 States,  
17 b. the Merchant Marine, the commissioned corps of the  
18 Public Health Service, or the commissioned corps of  
19 the National Oceanic and Atmospheric Administration of  
20 the United States, or  
21 c. the National Guard and state militia;

22 9. "Uniformed-service voter" means an individual who is  
23 qualified to vote and is:  
24

- 1 a. a member of the active or reserve components of the  
2 Army, Navy, Air Force, Marine Corps, or Coast Guard of  
3 the United States who is on active duty,  
4 b. a member of the Merchant Marine, the commissioned  
5 corps of the Public Health Service, or the  
6 commissioned corps of the National Oceanic and  
7 Atmospheric Administration of the United States,  
8 c. a member on activated status of the National Guard or  
9 state militia, or  
10 d. a spouse or dependent of a member referred to in this  
11 paragraph; and

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

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

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

1 longer a recognized residential address, the voter must be assigned  
2 ~~an address~~ to the polling place assigned to that geographic area for  
3 voting purposes.

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

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

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

17 SECTION 17. NEW LAW A new section of law to be codified  
18 in the Oklahoma Statutes as Section 16-126 of Title 26, unless there  
19 is created a duplication in numbering, reads as follows:

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

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

6 SECTION 18. RECODIFICATION 26 O.S. 2011, Section 14-118,  
7 as amended by Section 8, Chapter 200, O.S.L. 2013 (26 O.S. Supp.  
8 2019, Section 14-118), shall be recodified as Section 14-142.1 of  
9 Title 26 of the Oklahoma Statutes, unless there is created a  
10 duplication in numbering.

11 SECTION 19. RECODIFICATION 26 O.S. 2011, Section 14-  
12 118.1, as amended by Section 9, Chapter 200, O.S.L. 2013 (26 O.S.  
13 Supp. 2019, Section 14-118.1) and by Section 13 of this act, shall  
14 be recodified as Section 14-142.2 of Title 26 of the Oklahoma  
15 Statutes, unless there is created a duplication in numbering.

16 SECTION 20. It being immediately necessary for the preservation  
17 of the public peace, health or safety, an emergency is hereby  
18 declared to exist, by reason whereof this act shall take effect and  
19 be in full force from and after its passage and approval.

20  
21 DIRECT TO CALENDAR.  
22  
23  
24