

1 ENGROSSED SENATE  
2 BILL NO. 1637

By: Haste of the Senate

and

Lepak of the House

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6 An Act relating to election fraud; amending 26 O.S.  
7 2021, Sections 14-108.1, 16-105, and 16-123, which  
8 relate to notaries public, fraud, and voter  
9 registration or voting crimes; requiring notification  
10 of certain potential fraud to Attorney General;  
11 authorizing Attorney General to conduct certain  
12 investigation; requiring Attorney General to submit  
13 certain notification to district attorney; requiring  
14 investigation by district attorney under certain  
15 circumstances; modifying contents of required letter  
16 to complainant; requiring Attorney General to make  
17 determination upon certain notification; requiring  
18 Attorney General to submit certain notification to  
19 district attorney under certain circumstances;  
20 requiring certain investigation by Attorney General  
21 or district attorney; modifying certain reporting  
22 requirements; amending 74 O.S. 2021, Section 18b,  
23 which relates to duties of Attorney General;  
24 authorizing Attorney General to investigate and  
prosecute certain violations; updating statutory  
reference; and providing an effective date.

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

SECTION 1. AMENDATORY 26 O.S. 2021, Section 14-108.1, is  
amended to read as follows:

Section 14-108.1. A. Neither a notary public nor an agent  
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 at a single election with the  
18 written approval of the secretary of the county election board.  
19 Such approval shall apply for affidavits notarized within the county  
20 served by the county election board secretary.

21          3. The limitation required by this subsection shall not apply  
22 to the notarizing of absentee ballot affidavits at the place of  
23 business of a notary public that is open to the general public  
24 during the normal business hours of the notary public.

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

6 2. Upon receipt of such notification, the ~~district attorney~~  
7 Attorney General, or a member of law enforcement designated by the  
8 ~~district attorney~~ Attorney General, shall may investigate any  
9 possible criminal violation of the law related to the absentee  
10 ballot requests. If the Attorney General declines to investigate,  
11 the Attorney General shall submit the notification from the county  
12 election board to the district attorney for that county. The  
13 district attorney, or a member of law enforcement designated by the  
14 district attorney, shall then investigate any possible criminal  
15 violation of the law related to the absentee ballot requests.

16 3. Provided, this notification requirement shall not apply to  
17 requests for absentee ballots to be sent to the addresses of nursing  
18 homes, veterans centers, medical facilities, multiunit housing,  
19 installations of the Armed Forces of the United States where  
20 uniformed or overseas voters, as defined by the federal Uniformed  
21 and Overseas Citizens Absentee Voting Act of 1986, are stationed or  
22 other locations authorized in writing by the Secretary of the State  
23 Election Board.

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1 E. The provisions of this section shall only apply to an  
2 election conducted by a county election board, the State Election  
3 Board or a political subdivision of this state.

4 SECTION 2. AMENDATORY 26 O.S. 2021, Section 16-105, is  
5 amended to read as follows:

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

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

16 C. The State Election Board shall, upon receiving the  
17 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~~  
23 Attorney General; and  
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1           3. Provide the ~~district attorney's~~ Attorney General's name and  
2 office phone number.

3           D. All information relating to voter complaints shall remain  
4 confidential until after the complaint has resulted in a conviction  
5 or a plea of guilty or nolo contendere.

6           SECTION 3.           AMENDATORY           26 O.S. 2021, Section 16-123, is  
7 amended to read as follows:

8           Section 16-123. A. The Secretary of the State Election Board  
9 or any county election board who has documents that appear to be  
10 evidence of voter registration or voting crimes shall notify the  
11 Attorney General, who shall determine whether to investigate or to  
12 submit the documentation to the district attorney for the county or  
13 counties involved. If the Attorney General declines to investigate,  
14 the Attorney General shall submit the notification and documentation  
15 within thirty (30) days of receipt to the district attorney for the  
16 county or counties involved.

17           B. When presented with documentation of possible voter  
18 registration or voting crimes by the Secretary of the State Election  
19 Board or any county election board, the Attorney General or a  
20 district attorney who received notification and documentation  
21 pursuant to subsection A of this section shall investigate and,  
22 within thirty (30) days and each thirty (30) days thereafter  
23 following receipt of such documentation, report in writing to the  
24 Secretary of the State Election Board or county election board the

1 status of the investigation until charges are filed or ~~the district~~  
2 ~~attorney declines~~ the determination is made not to file charges.

3 SECTION 4. AMENDATORY 74 O.S. 2021, Section 18b, is  
4 amended to read as follows:

5 Section 18b. A. The duties of the Attorney General as the  
6 chief law officer of the state shall be:

7 1. To appear for the state and prosecute and defend all actions  
8 and proceedings, civil or criminal, in the Supreme Court and Court  
9 of Criminal Appeals in which the state is interested as a party;

10 2. To appear for the state and prosecute and defend all actions  
11 and proceedings in any of the federal courts in which the state is  
12 interested as a party;

13 3. To initiate or appear in any action in which the interests  
14 of the state or the people of the state are at issue, or to appear  
15 at the request of the Governor, the Legislature, or either branch  
16 thereof, and prosecute and defend in any court or before any  
17 commission, board or officers any cause or proceeding, civil or  
18 criminal, in which the state may be a party or interested; and when  
19 so appearing in any such cause or proceeding, the Attorney General  
20 may, if the Attorney General deems it advisable and to the best  
21 interest of the state, take and assume control of the prosecution or  
22 defense of the state's interest therein;

23 4. To consult with and advise district attorneys, when  
24 requested by them, in all matters pertaining to the duties of their

1 offices, when the district attorneys shall furnish the Attorney  
2 General with a written opinion supported by citation of authorities  
3 upon the matter submitted;

4 5. To give an opinion in writing upon all questions of law  
5 submitted to the Attorney General by the Legislature or either  
6 branch thereof, or by any state officer, board, commission or  
7 department, provided, that the Attorney General shall not furnish  
8 opinions to any but district attorneys, the Legislature or either  
9 branch thereof, or any other state official, board, commission or  
10 department, and to them only upon matters in which they are  
11 officially interested;

12 6. At the request of the Governor, State Auditor and Inspector,  
13 State Treasurer, or either branch of the Legislature, to prosecute  
14 any official bond or any contract in which the state is interested,  
15 upon a breach thereof, and to prosecute or defend for the state all  
16 actions, civil or criminal, relating to any matter connected with  
17 either of their Departments;

18 7. Whenever requested by any state officer, board or  
19 commission, to prepare proper drafts for contracts, forms and other  
20 writing which may be wanted for the use of the state;

21 8. To prepare drafts of bills and resolutions for individual  
22 members of the Legislature upon their written request stating the  
23 gist of the bill or resolution desired;

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1           9. To enforce the proper application of monies appropriated by  
2 the Legislature and to prosecute breaches of trust in the  
3 administration of such funds;

4           10. To institute actions to recover state monies illegally  
5 expended, to recover state property and to prevent the illegal use  
6 of any state property, upon the request of the Governor or the  
7 Legislature;

8           11. To pay into the State Treasury, immediately upon its  
9 receipt, all monies received by the Attorney General belonging to  
10 the state;

11           12. To settle, compromise and dispose of an action in which the  
12 Attorney General represents the interests of the state, so long as  
13 the consideration negotiated for such settlement, compromise or  
14 disposition is payable to the state or one of its agencies which is  
15 a named party of the action and any monies, any property or other  
16 item of value is paid first to the State Treasury;

17           13. To keep and file copies of all opinions, contracts, forms  
18 and letters of the office, and to keep an index of all opinions,  
19 contracts and forms according to subject and section of the law  
20 construed or applied;

21           14. To keep a register or docket of all actions, demands and  
22 investigations prosecuted, defended or conducted by the Attorney  
23 General in behalf of the state. The register or docket shall give  
24 the style of the case or investigation, where pending, court number,



1 office number, the gist of the matter, result and the names of the  
2 assistants who handled the matter;

3 15. To keep a complete office file of all cases and  
4 investigations handled by the Attorney General on behalf of the  
5 state;

6 16. To report to the Legislature or either branch thereof  
7 whenever requested upon any business relating to the duties of the  
8 Attorney General's office;

9 17. To institute civil actions against members of any state  
10 board or commission for failure of such members to perform their  
11 duties as prescribed by the statutes and the Constitution and to  
12 prosecute members of any state board or commission for violation of  
13 the criminal laws of this state where such violations have occurred  
14 in connection with the performance of such members' official duties;

15 18. To respond to any request for an opinion of the Attorney  
16 General's office, submitted by a member of the Legislature,  
17 regardless of subject matter, by written opinion determinative of  
18 the law regarding such subject matter;

19 19. To convene multicounty grand juries in such manner and for  
20 such purposes as provided by law; provided, such grand juries are  
21 composed of citizens from each of the counties on a pro rata basis  
22 by county;

23 20. To investigate any report by the State Auditor and  
24 Inspector filed with the Attorney General pursuant to Section 223 of

1 this title and prosecute all actions, civil or criminal, relating to  
2 such reports or any irregularities or derelictions in the management  
3 of public funds or property which are violations of the laws of this  
4 state;

5 21. To represent and protect the collective interests of all  
6 utility consumers of this state in rate-related proceedings before  
7 the Corporation Commission or in any other state or federal judicial  
8 or administrative proceeding;

9 22. To represent and protect the collective interests of  
10 insurance consumers of this state in rate-related proceedings before  
11 the Insurance Commissioner or in any other state or federal judicial  
12 or administrative proceeding;

13 23. To investigate and prosecute any criminal action relating  
14 to insurance fraud, if in the opinion of the Attorney General a  
15 criminal prosecution is warranted, or to refer such matters to the  
16 appropriate district attorney; ~~and~~

17 24. To monitor and evaluate any action by the federal  
18 government including, but not limited to, executive orders by the  
19 President of the United States, rules or regulations promulgated by  
20 an agency of the federal government or acts of Congress to determine  
21 if such actions are in violation of the Tenth Amendment to the  
22 Constitution of the United States; and

23 25. To investigate and prosecute any criminal action relating  
24 to a violation of the provisions of Title 26 of the Oklahoma

1 Statutes, if in the opinion of the Attorney General a criminal  
2 prosecution is warranted.

3 B. Nothing in this section shall be construed as requiring the  
4 Attorney General to appear and defend or prosecute in any court any  
5 cause or proceeding for or on behalf of the Oklahoma Tax Commission,  
6 the Board of Managers of the State Insurance Fund, or the  
7 Commissioners of the Land Office.

8 C. In all appeals from the Corporation Commission to the  
9 Supreme Court of Oklahoma in which the state is a party, the  
10 Attorney General shall have the right to designate counsel of the  
11 Corporation Commission as the Attorney General's legally appointed  
12 representative in such appeals, and it shall be the duty of the  
13 Corporation Commission counsel to act when so designated and to  
14 consult and advise with the Attorney General regarding such appeals  
15 prior to taking action therein.

16 SECTION 5. This act shall become effective January 1, 2023.

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