

1 STATE OF OKLAHOMA

2 2nd Session of the 58th Legislature (2022)

3 SENATE BILL 1637

By: Haste

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5
6 AS INTRODUCED

7 An Act relating to election fraud; amending 26 O.S.
8 2021, Sections 14-108.1, 16-105, and 16-123, which
9 relate to notaries public, fraud, and voter
10 registration or voting crimes; requiring notification
11 of certain potential fraud to Attorney General;
12 modifying contents of required letter to complainant;
13 authorizing Attorney General to conduct certain
14 investigations; amending 74 O.S. 2021, Section 18b,
15 which relates to duties of Attorney General;
16 authorizing Attorney General to investigate and
17 prosecute election fraud; updating statutory
18 reference; and providing an effective date.

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

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

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

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

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

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

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

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

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

12 2. A notary public may be authorized to notarize more than
13 twenty absentee ballot affidavits at a single election with the
14 written approval of the secretary of the county election board.
15 Such approval shall apply for affidavits notarized within the county
16 served by the county election board secretary.

17 3. The limitation required by this subsection shall not apply
18 to the notarizing of absentee ballot affidavits at the place of
19 business of a notary public that is open to the general public
20 during the normal business hours of the notary public.

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

3 2. Upon receipt of such notification, the district attorney or
4 Attorney General, or a member of law enforcement designated by the
5 district attorney or Attorney General, shall investigate any
6 possible criminal violation of the law related to the absentee
7 ballot requests.

8 3. Provided, this notification requirement shall not apply to
9 requests for absentee ballots to be sent to the addresses of nursing
10 homes, veterans centers, medical facilities, multiunit housing,
11 installations of the Armed Forces of the United States where
12 uniformed or overseas voters, as defined by the federal Uniformed
13 and Overseas Citizens Absentee Voting Act of 1986, are stationed or
14 other locations authorized in writing by the Secretary of the State
15 Election Board.

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

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

21 Section 16-105. A. Any person who knowingly conspires to
22 commit fraud or perpetrates fraud, or who steals supplies used to
23 conduct an election, in order to change a voter's vote, or to change
24 the composition of the official ballot or ballots, or to change the

1 counting of the ballots, or to change the certification of the
2 results of an election, shall be deemed guilty of a felony.

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

7 C. The State Election Board shall, upon receiving the
8 complaint:

9 1. Document such complaint and request the name and mailing
10 address of the person making the complaint;

11 2. Send a letter to the person making the complaint, stating
12 the penalties for voter fraud and the option of contacting the
13 district attorney in the county where such fraud is suspected and
14 Attorney General; and

15 3. Provide the district attorney's and Attorney General's name
16 and office phone number.

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

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

22 Section 16-123. A. The Secretary of the State Election Board
23 or any county election board who has documents that appear to be
24 evidence of voter registration or voting crimes shall notify the
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1 district attorney for the county or counties involved and Attorney
2 General.

3 B. When presented with documentation of possible voter
4 registration or voting crimes by the Secretary of the State Election
5 Board or any county election board, a district attorney or the
6 Attorney General shall investigate and, within thirty (30) days and
7 each thirty (30) days thereafter following receipt of such
8 documentation, report in writing to the Secretary of the State
9 Election Board or county election board the status of the
10 investigation until charges are filed or the district attorney or
11 Attorney General declines to file charges.

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

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

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

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

22 3. To initiate or appear in any action in which the interests
23 of the state or the people of the state are at issue, or to appear
24 at the request of the Governor, the Legislature, or either branch

1 thereof, and prosecute and defend in any court or before any
2 commission, board or officers any cause or proceeding, civil or
3 criminal, in which the state may be a party or interested; and when
4 so appearing in any such cause or proceeding, the Attorney General
5 may, if the Attorney General deems it advisable and to the best
6 interest of the state, take and assume control of the prosecution or
7 defense of the state's interest therein;

8 4. To consult with and advise district attorneys, when
9 requested by them, in all matters pertaining to the duties of their
10 offices, when the district attorneys shall furnish the Attorney
11 General with a written opinion supported by citation of authorities
12 upon the matter submitted;

13 5. To give an opinion in writing upon all questions of law
14 submitted to the Attorney General by the Legislature or either
15 branch thereof, or by any state officer, board, commission or
16 department, provided, that the Attorney General shall not furnish
17 opinions to any but district attorneys, the Legislature or either
18 branch thereof, or any other state official, board, commission or
19 department, and to them only upon matters in which they are
20 officially interested;

21 6. At the request of the Governor, State Auditor and Inspector,
22 State Treasurer, or either branch of the Legislature, to prosecute
23 any official bond or any contract in which the state is interested,
24 upon a breach thereof, and to prosecute or defend for the state all

1 actions, civil or criminal, relating to any matter connected with
2 either of their Departments;

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

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

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

12 10. To institute actions to recover state monies illegally
13 expended, to recover state property and to prevent the illegal use
14 of any state property, upon the request of the Governor or the
15 Legislature;

16 11. To pay into the State Treasury, immediately upon its
17 receipt, all monies received by the Attorney General belonging to
18 the state;

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

1 13. To keep and file copies of all opinions, contracts, forms
2 and letters of the office, and to keep an index of all opinions,
3 contracts and forms according to subject and section of the law
4 construed or applied;

5 14. To keep a register or docket of all actions, demands and
6 investigations prosecuted, defended or conducted by the Attorney
7 General in behalf of the state. The register or docket shall give
8 the style of the case or investigation, where pending, court number,
9 office number, the gist of the matter, result and the names of the
10 assistants who handled the matter;

11 15. To keep a complete office file of all cases and
12 investigations handled by the Attorney General on behalf of the
13 state;

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

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

23 18. To respond to any request for an opinion of the Attorney
24 General's office, submitted by a member of the Legislature,

1 regardless of subject matter, by written opinion determinative of
2 the law regarding such subject matter;

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

7 20. To investigate any report by the State Auditor and
8 Inspector filed with the Attorney General pursuant to Section 223 of
9 this title and prosecute all actions, civil or criminal, relating to
10 such reports or any irregularities or derelictions in the management
11 of public funds or property which are violations of the laws of this
12 state;

13 21. To represent and protect the collective interests of all
14 utility consumers of this state in rate-related proceedings before
15 the Corporation Commission or in any other state or federal judicial
16 or administrative proceeding;

17 22. To represent and protect the collective interests of
18 insurance consumers of this state in rate-related proceedings before
19 the Insurance Commissioner or in any other state or federal judicial
20 or administrative proceeding;

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

1 24. To monitor and evaluate any action by the federal
2 government including, but not limited to, executive orders by the
3 President of the United States, rules or regulations promulgated by
4 an agency of the federal government or acts of Congress to determine
5 if such actions are in violation of the Tenth Amendment to the
6 Constitution of the United States; and

7 25. To investigate and prosecute any criminal action relating
8 to election fraud, if in the opinion of the Attorney General a
9 criminal prosecution is warranted.

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

15 C. In all appeals from the Corporation Commission to the
16 Supreme Court of Oklahoma in which the state is a party, the
17 Attorney General shall have the right to designate counsel of the
18 Corporation Commission as the Attorney General's legally appointed
19 representative in such appeals, and it shall be the duty of the
20 Corporation Commission counsel to act when so designated and to
21 consult and advise with the Attorney General regarding such appeals
22 prior to taking action therein.

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

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