

1 STATE OF OKLAHOMA

2 1st Session of the 58th Legislature (2021)

3 HOUSE BILL 1711

By: Hill

4  
5  
6 AS INTRODUCED

7 An Act relating to elections; authorizing certain  
8 persons to request ballots be sent by Internet  
9 delivery; requiring State Election Board to prescribe  
10 form; providing for eligibility and transmission of  
11 request; providing for delivery of ballot and ballot  
12 materials; providing for return of ballot to county  
13 election board; providing for codification; and  
14 providing an effective date.

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

16 SECTION 1. NEW LAW A new section of law to be codified  
17 in the Oklahoma Statutes as Section 14-201 of Title 26, unless there  
18 is created a duplication in numbering, reads as follows:

19 A. A registered voter who swears or affirms that the voter is  
20 physically unable to vote in person at the precinct on the day of  
21 the election because the voter is:

22 1. Physically incapacitated; or

23 2. Charged with the care of another person who is physically  
24 incapacitated and who cannot be left unattended;

may request a ballot and balloting materials be sent to the voter by  
Internet delivery. The Secretary of the State Election Board shall

1 prescribe a form to be used for the request, although any request  
2 setting forth substantially the same facts shall be valid.

3 B. The request shall be signed by the voter or signed by a  
4 witness at the voter's direction if the voter is unable to sign his  
5 or her name, and shall be transmitted to the secretary of the county  
6 election board. The person transmitting the request on behalf of  
7 the voter may be anyone of the voter's choosing who is at least  
8 sixteen (16) years of age; provided, the person is not employed by  
9 nor related within the third degree of consanguinity or affinity to  
10 any person whose name appears on the ballot. The person becomes the  
11 voter's agent for purposes of voting by absentee ballot. The  
12 voter's request shall be accompanied by a sworn statement by a duly  
13 licensed physician. The request shall attest to the fact that the  
14 voter is in fact unable to vote in person at the appropriate  
15 precinct on the day of the election because of a physical  
16 incapacity.

17 C. Upon receipt of the voter's request and accompanying sworn  
18 statement, the secretary of the county election board shall transmit  
19 the ballot and balloting materials to the voter by Internet  
20 delivery.

21 D. The voter or voter's agent shall be required to mark the  
22 ballot in ink or other manner as prescribed by the Secretary of the  
23 State Election Board; seal the ballots in the plain opaque envelope;  
24 fill out completely and sign the affidavit, such signature to be

1 notarized at no charge by a notary public; seal the plain opaque  
2 envelope inside the envelope bearing the affidavit and return both  
3 envelopes, sealed inside the return envelope, by hand delivery,  
4 United States mail or by a private mail service, provided such  
5 service has delivery documentation, to the county election board.  
6 No person who is a candidate for an office on the ballot or who is  
7 the chair or treasurer of the campaign of a candidate for office 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 E. The ballot shall not be notarized by any person whose name  
12 appears on the ballot as a candidate or by any campaign chairperson  
13 or campaign treasurer for a candidate whose name appears on the  
14 ballot.

15 F. Any voter or voter's agent who hand delivers his or her  
16 ballot as provided in subsection D of this section shall provide  
17 proof of identity to the county election board and shall hand  
18 deliver the ballot no later than the end of regular business hours  
19 on the day prior to the date of the election. For purposes of this  
20 section, "proof of identity" shall have the same meaning as used in  
21 subsection A of Section 7-114 of Title 26 of the Oklahoma Statutes.

22 G. Upon return of the absentee ballots, the secretary of the  
23 county election board shall cause the ballots to be processed in the  
24 same manner as is prescribed for other absentee ballots.

1  
2  
3  
4  
5  
6  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24

SECTION 2. This act shall become effective November 1, 2021.

58-1-5001 LRB 12/22/20