

1 STATE OF OKLAHOMA

2 1st Session of the 59th Legislature (2023)

3 COMMITTEE SUBSTITUTE

4 FOR

HOUSE BILL NO. 2024

By: Wolfley

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7 COMMITTEE SUBSTITUTE

8 An Act relating to elections; amending 26 O.S. 2021,
9 Section 14-108.1, which relates to notary public
10 restrictions; modifying exception; requiring
11 submission of log of notarized absentee ballot
12 affidavits; requiring log to be public record;
13 providing for penalties; and providing an effective
14 date.

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

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

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

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

22 2. Assist a voter in requesting absentee ballots, other than
23 for himself or herself or a member of his or her household;
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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. 1. A notary public shall maintain a log of all absentee
7 ballot affidavits that he or she notarizes for a period of at least
8 two (2) years after the date of the election. The log shall include
9 the name and address of the voter and the date, time, and location
10 of the notarization.

11 2. a. A notary public who is authorized to notarize more
12 than twenty absentee ballot affidavits at a single
13 election, as provided in paragraph 2 of subsection C
14 of this section, shall submit a copy of the log to the
15 secretary of the county election board who granted the
16 written permission. The copy of the log must be
17 received by the secretary of the county election board
18 no later than the close of business on the first
19 business day following the date of the election.

20 b. The log shall be a public record and shall be
21 maintained by the secretary of the county election
22 board pursuant to Section 3-126 of this title.

23 c. A notary public who fails to submit the log as
24 required by this section, or who notarizes more than

1 twenty absentee ballots without authorization pursuant
2 to paragraph 2 of subsection C of this section, shall
3 have his or her notary public appointment revoked for
4 eight (8) years by the Secretary of State. If the
5 notary public willfully and intentionally violates the
6 provisions of this section, then that notary public
7 shall be guilty of a misdemeanor and subject to a fine
8 of up to Five Hundred Dollars (\$500.00).

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 the Secretary of the State
2 Election Board.

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

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

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

18 SECTION 2. This act shall become effective November 1, 2023.

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