

STATE OF OKLAHOMA

1st Session of the 59th Legislature (2023)

HOUSE BILL 2782

By: Munson

AS INTRODUCED

An Act relating to elections; amending 26 O.S. 2021, Section 14-105, as amended by Sections 1, Chapter 292, O.S.L. 2022, 14-110.1, as amended by Section 2, Chapter 292, O.S.L. 2022 and 14-115, as amended by Section 1, Chapter 305, O.S.L. 2022 (26 O.S. Supp. 2022, Sections 14-105, 14-110.1 and 14-115), which relate to absentee ballot applications; modifying methods of application; modifying procedures for application; providing for period of validity; providing for cancellation under certain circumstances; providing exception; providing for validity of absentee ballot application for certain period; and providing an effective date.

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

SECTION 1. AMENDATORY 26 O.S. 2021, Section 14-105, as amended by Section 1, Chapter 292, O.S.L. 2022 (26 O.S. Supp. 2022, Section 14-105), is amended to read as follows:

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

1 Board. The Secretary of the State Election Board shall prescribe a
2 form to be used for the application, although any application
3 setting forth substantially the same facts shall be valid.

4 B. 1. A registered voter applying for an absentee ballot by
5 means of electronic communication shall provide his or her name,
6 birth date, an identification number, and other information as may
7 be prescribed by the Secretary of the State Election Board. The
8 name, birth date, and identification number provided on the
9 application must match the name, birth date, and identification
10 number in the voter registration record in order to apply for an
11 absentee ballot pursuant to this subsection.

12 2. If the voter does not recall which identification number he
13 or she included in the voter registration record, the voter may
14 provide multiple identification numbers, at least one of which must
15 match the identification number in the voter registration record if
16 such record included an identification number. If the name, birth
17 date, or any identification number provided does not match the voter
18 registration record, the voter shall be informed of the failure to
19 match the voter registration record and shall be provided
20 information and instruction to contact the county election board.

21 3. If the voter registration record on file with the county
22 election board does not contain a birth date or identification
23 number, the voter shall not be eligible to apply for an absentee
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1 ballot by means of electronic communication but may apply for an
2 absentee ballot pursuant to subsection C of this section.

3 4. Identifying information such as birth date and
4 identification number shall not be modified online in an existing
5 voter registration except as provided in Section 4-109.4 of this
6 title.

7 5. No later than January 1, 2023, a registered voter applying
8 for an absentee ballot pursuant to this subsection who meets the
9 criteria provided in Section 7-115.1 of this title shall be required
10 to confirm his or her address prior to submitting an application for
11 absentee ballot by means of electronic communication.

12 C. 1. A registered voter applying for an absentee ballot in
13 person, by United States mail, or by facsimile device shall provide
14 his or her name, birth date, an identification number, and other
15 information as may be prescribed by the Secretary of the State
16 Election Board. The name, birth date, and identification number
17 provided on the application must match the name, birth date, and
18 identification number in the voter registration record.

19 2. If the voter does not recall which identification number he
20 or she included in the voter registration record, the voter may
21 provide multiple identification numbers, at least one of which must
22 match the identification number in the voter registration record if
23 such record included an identification number. If the voter
24 registration record does not contain a birth date or an

1 identification number, the absentee ballot application shall be
2 accepted without a match of a birth date or an identification
3 number.

4 D. For purposes of this section, "identification number" means
5 a number submitted on the registration application pursuant to
6 paragraph 3 of subsection A of Section 4-112 of this title.

7 SECTION 2. AMENDATORY 26 O.S. 2021, Section 14-110.1, as
8 amended by Section 2, Chapter 292, O.S.L. 2022 (26 O.S. Supp. 2022,
9 Section 14-110.1), is amended to read as follows:

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

13 1. Physically incapacitated; or

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

16 may apply for an absentee ballot. Such applications may be made by
17 United States mail, by facsimile device as defined by Section 1862
18 of Title 21 of the Oklahoma Statutes or by a means of electronic
19 communication designated by the Secretary of the State Election
20 Board or may be made in person at the office of the county election
21 board by an agent of the voter. Such an agent shall be a person of
22 the voter's choosing who is at least sixteen (16) years of age and
23 who is not employed by or related within the third degree of
24 consanguinity or affinity to any person whose name appears on the

1 ballot. No person may be the agent for more than one voter at any
2 election. The Secretary of the State Election Board shall prescribe
3 a form to be used for the application, although any application
4 setting forth substantially the same facts shall be valid.

5 Requirements for matching of name, birth date, and identification
6 number established pursuant to Section 14-105 of this title shall
7 apply to applications for absentee ballots under this section.

8 B. Any voter eligible for an absentee ballot as described in
9 subsection A of this section may indicate on an application for
10 absentee ballots that the application is for ballots for a single
11 election date, for all elections in which the voter is eligible to
12 vote in a calendar year or for all future elections in which the
13 voter is eligible to vote. Once approved by the secretary of the
14 county election board, such application shall be considered valid
15 and shall be fulfilled unless or until the voter cancels the
16 application, or a ballot mailed to the address provided on the
17 application is returned undelivered to the county election board.
18 However, if a voter has applied for absentee ballots for all future
19 elections, but does not return a completed absentee ballot for any
20 election in a twenty-four-month period after the application is
21 approved, the application shall be canceled.

22 SECTION 3. AMENDATORY 26 O.S. 2021, Section 14-115, as
23 last amended by Section 1, Chapter 305, O.S.L. 2022 (26 O.S. Supp.
24 2022, Section 14-115), is amended to read as follows:

1 Section 14-115. A. If the secretary of a county election board
2 receives a request from an incapacitated elector confined to a
3 nursing facility, as defined in Section 1-1902 of Title 63 of the
4 Oklahoma Statutes, or a State Veterans Home established pursuant to
5 Title 72 of the Oklahoma Statutes within the county of the
6 jurisdiction of the secretary, the secretary shall cause to be
7 implemented the following procedures:

8 1. On any day following the deadline to request an absentee
9 ballot as provided in Section 14-103 of this title, but prior to the
10 date of the election, the absentee voting board shall deliver to
11 each registered voter who is confined to a nursing facility, as
12 defined in Section 1-1902 of Title 63 of the Oklahoma Statutes, or a
13 State Veterans Home established pursuant to Title 72 of the Oklahoma
14 Statutes and who requested ballots for an incapacitated voter the
15 ballots and materials as may be necessary to vote same.

16 2. The voter must mark the ballots in the manner hereinbefore
17 provided in the presence of the absentee voting board, but in such a
18 manner as to make it impossible for any person other than the voter
19 to ascertain how the ballots are marked. Insofar as is possible,
20 the voting procedure shall be the same as if the voter were casting
21 a vote in person at a precinct.

22 3. The voter shall then seal the ballots in the plain opaque
23 envelope and shall seal the plain opaque envelope in the envelope
24 bearing an affidavit. The voter must complete the affidavit, and

1 the signature of the voter on same must be witnessed by both members
2 of the absentee voting board.

3 4. The envelope bearing an affidavit then must be sealed in the
4 return envelope, which shall be returned by the absentee voting
5 board to the secretary of the county election board on the same day
6 the affidavit was executed.

7 5. Ballots cast in such manner shall be counted in the same
8 manner as regular mail absentee ballots.

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

12 C. 1. An administrator or employee of a nursing facility or
13 State Veterans Home who attempts to coerce or influence the vote of
14 a person residing in or confined to that facility shall be deemed to
15 be in violation of Section 16-109 of this title.

16 2. An administrator or employee of a nursing facility or State
17 Veterans Home who prevents or attempts to prevent a person residing
18 in or confined to that facility from voting pursuant to this section
19 shall be deemed to be in violation of Section 16-113 of this title.

20 D. Any voter eligible for an absentee ballot as described in
21 subsection A of this section may indicate on an application for
22 absentee ballots that the application is for ballots for a single
23 election date, for all elections in which the voter is eligible to
24 vote in a calendar year or for all future elections in which the

1 voter is eligible to vote. Once approved by the secretary of the
2 county election board, such application shall be considered valid
3 and shall be fulfilled as outlined in this section or Section 14-114
4 of this title unless or until the voter cancels the application or
5 moves to a different nursing home or veterans center. However, if a
6 voter has applied for absentee ballots for all future elections, but
7 does not return a completed absentee ballot for any election in a
8 twenty-four-month period after the application is approved, the
9 application shall be canceled.

10 SECTION 4. This act shall become effective November 1, 2023.

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