

1 ENGROSSED SENATE AMENDMENT  
TO

2 ENGROSSED HOUSE  
3 BILL NO. 3364

By: Roberts (Eric) and  
Crosswhite Hader of the  
House

4  
5 and

6 Haste of the Senate

7  
8  
9 [ elections - absentee voting - effective date -  
10 emergency ]

11

12 AMENDMENT NO. 1. Page 1, strike the stricken title, enacting clause  
13 and entire bill and insert

14 "An Act relating to elections; amending 26 O.S. 2021,  
15 Sections 14-105, 14-110.1, 14-114, 14-115, 14-115.1,  
16 14-115.6, and 14-142, which relate to absentee  
17 voting; removing obsolete language; establishing  
18 procedures for application for absentee ballot by  
19 electronic communication; requiring matching of  
20 certain information to voter registration record for  
21 electronic application; allowing voter to provide  
22 multiple identification numbers under certain  
23 circumstances; requiring confirmation of address  
24 prior to submission of certain application; requiring  
matching of certain information to voter registration  
record for in-person or mail application for absentee  
ballot; providing exception; defining term; applying  
requirements for information matching to absentee  
ballot requests and applications; conforming  
language; updating statutory references; providing an  
effective date; and declaring an emergency.

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

2 SECTION 1. AMENDATORY 26 O.S. 2021, Section 14-105, is  
3 amended to read as follows:

4 Section 14-105. A. Any registered voter may apply for an  
5 absentee ballot in person at the county election board, by United  
6 States mail, ~~by telegraph,~~ by facsimile device as defined in Section  
7 1862 of Title 21 of the Oklahoma Statutes or by a means of  
8 electronic communication designated by the Secretary of the State  
9 Election Board. The Secretary of the State Election Board shall  
10 prescribe a form to be used for the application, although any  
11 application setting forth substantially the same facts shall be  
12 valid.

13 B. 1. A registered voter applying for an absentee ballot by  
14 means of electronic communication shall provide his or her name,  
15 birth date, an identification number, and other information as may  
16 be prescribed by the Secretary of the State Election Board. The  
17 name, birth date, and identification number provided on the  
18 application must match the name, birth date, and identification  
19 number in the voter registration record in order to apply for an  
20 absentee ballot pursuant to this subsection.

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

1 such record included an identification number. If the name, birth  
2 date, or any identification number provided does not match the voter  
3 registration record, the voter shall be informed of the failure to  
4 match the voter registration record and shall be provided  
5 information and instruction to contact the county election board.

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

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

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

20 C. 1. A registered voter applying for an absentee ballot in  
21 person, by United States mail, or by facsimile device shall provide  
22 his or her name, birth date, an identification number, and other  
23 information as may be prescribed by the Secretary of the State  
24 Election Board. The name, birth date, and identification number

1 provided on the application must match the name, birth date, and  
2 identification number in the voter registration record.

3 2. If the voter does not recall which identification number he  
4 or she included in the voter registration record, the voter may  
5 provide multiple identification numbers, at least one of which must  
6 match the identification number in the voter registration record if  
7 such record included an identification number. If the voter  
8 registration record does not contain a birth date or an  
9 identification number, the absentee ballot application shall be  
10 accepted without a match of a birth date or an identification  
11 number.

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

15 SECTION 2. AMENDATORY 26 O.S. 2021, Section 14-110.1, is  
16 amended to read as follows:

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

20 1. Physically incapacitated; or

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

23 may apply for an absentee ballot. Such applications may be made by  
24 United States mail, by facsimile device as defined by Section 1862

1 of Title 21 of the Oklahoma Statutes or by a means of electronic  
2 communication designated by the Secretary of the State Election  
3 Board or may be made in person at the office of the county election  
4 board by an agent of the voter. Such an agent shall be a person of  
5 the voter's choosing who is at least sixteen (16) years of age and  
6 who is not employed by or related within the third degree of  
7 consanguinity or affinity to any person whose name appears on the  
8 ballot. No person may be the agent for more than one voter at any  
9 election. The Secretary of the State Election Board shall prescribe  
10 a form to be used for the application, although any application  
11 setting forth substantially the same facts shall be valid.

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

15 SECTION 3. AMENDATORY 26 O.S. 2021, Section 14-114, is  
16 amended to read as follows:

17 Section 14-114. If the secretary of a county election board  
18 receives such a request from an incapacitated elector confined to a  
19 nursing facility, as defined in Section 1-1902 of Title 63 of the  
20 Oklahoma Statutes, outside the county of jurisdiction of the  
21 secretary, the secretary shall provide ballots and materials by mail  
22 in the manner hereinbefore prescribed. Requirements for matching of  
23 name, birth date, and identification number established pursuant to

24

1 Section 14-105 of this title shall apply to applications for  
2 absentee ballots under this section.

3 SECTION 4. AMENDATORY 26 O.S. 2021, Section 14-115, is  
4 amended to read as follows:

5 Section 14-115. A. If the secretary of a county election board  
6 receives a request from an incapacitated elector confined to a  
7 nursing facility, as defined in Section 1-1902 of Title 63 of the  
8 Oklahoma Statutes, or a veterans center established pursuant to  
9 Title 72 of the Oklahoma Statutes within the county of the  
10 jurisdiction of the secretary, and such request satisfies the  
11 requirements for matching of name, birth date, and identification  
12 number established pursuant to Section 14-105 of this title, the  
13 secretary shall cause to be implemented the following procedures:

14 1. On the Thursday, Friday, Saturday or Monday preceding the  
15 election, the absentee voting board shall deliver to each registered  
16 voter who is confined to a nursing facility, as defined in Section  
17 1-1902 of Title 63 of the Oklahoma Statutes, or a veterans center  
18 established pursuant to Title 72 of the Oklahoma Statutes and who  
19 requested ballots for an incapacitated voter the ballots and  
20 materials as may be necessary to vote same.

21 2. The voter must mark the ballots in the manner hereinbefore  
22 provided in the presence of the absentee voting board, but in such a  
23 manner as to make it impossible for any person other than the voter  
24 to ascertain how the ballots are marked. Insofar as is possible,

1 the voting procedure shall be the same as if the voter were casting  
2 a vote in person at a precinct.

3 3. The voter shall then seal the ballots in the plain opaque  
4 envelope and shall seal the plain opaque envelope in the envelope  
5 bearing an affidavit. The voter must complete the affidavit, and  
6 the signature of the voter on same must be witnessed by both members  
7 of the absentee voting board.

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

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

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

17 C. 1. An administrator or employee of a nursing facility or  
18 veterans center who attempts to coerce or influence the vote of a  
19 person residing in or confined to that facility shall be deemed to  
20 be in violation of Section 16-109 of this title.

21 2. An administrator or employee of a nursing facility or  
22 veterans center who prevents or attempts to prevent a person  
23 residing in or confined to that facility from voting pursuant to  
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1 this section shall be deemed to be in violation of Section 16-113 of  
2 this title.

3 SECTION 5. AMENDATORY 26 O.S. 2021, Section 14-115.1, is  
4 amended to read as follows:

5 Section 14-115.1. A registered voter who becomes incapacitated  
6 after 5:00 p.m. on Tuesday preceding an election, is unable to vote  
7 in person at the appropriate precinct on the day of the election may  
8 make a written request for an absentee ballot. Requirements for  
9 matching of name, birth date, and identification number established  
10 pursuant to Section 14-105 of this title shall apply to a request  
11 for absentee ballots under this section. The request shall be  
12 signed by the voter or signed by a witness at the voter's direction  
13 if the voter is unable to sign his or her name, and shall be  
14 transmitted to the secretary of the county election board. The  
15 person transmitting the request on behalf of the voter may be anyone  
16 of the voter's choosing who is at least sixteen (16) years of age;  
17 provided, the person is not employed by nor related within the third  
18 degree of consanguinity or affinity to any person whose name appears  
19 on the ballot. The person becomes the voter's agent for purposes of  
20 voting by absentee ballot. The voter's request must be accompanied  
21 by a sworn statement by a duly licensed physician. Expected or  
22 likely confinement for childbirth on election day is sufficient  
23 cause to entitle a voter to vote absentee pursuant to this section.  
24 The statement must attest to the fact that the voter is in fact



1 unable to vote in person at the appropriate precinct on the day of  
2 the election because of a physical incapacity and that the physical  
3 incapacity originated after 5:00 p.m. on Tuesday preceding an  
4 election. Upon receipt of the voter's request and accompanying  
5 sworn statement, the secretary of the county election board shall  
6 issue to the voter's agent the appropriate ballots and envelopes  
7 required for voting by incapacitated voters. The ballots must be  
8 returned by the agent to the secretary of the county election board  
9 no later than 7:00 p.m. on the day of the election. No person may  
10 be the agent for more than one voter at any election. Upon return  
11 of the absentee ballots, the secretary of the county election board  
12 shall cause the ballots to be processed in the same manner as is  
13 prescribed for other absentee ballots.

14 SECTION 6. AMENDATORY 26 O.S. 2021, Section 14-115.6, is  
15 amended to read as follows:

16 Section 14-115.6. A. A registered voter who, within ten (10)  
17 days preceding an election, is deployed as a first responder or  
18 emergency worker to assist with the rescue, recovery, or relief  
19 efforts of a declared natural disaster or state of emergency, may  
20 make a written request for an emergency absentee ballot in a form  
21 prescribed by the Secretary of the State Election Board. The  
22 request shall be signed by the voter and shall be provided by the  
23 voter to the secretary of the county election board in the county  
24 where the voter is registered. Requirements for matching of name,

1 birth date, and identification number established pursuant to  
2 Section 14-105 of this title shall apply to a request for an  
3 absentee ballot under this section.

4 B. Upon receipt of the voter's request, the secretary of the  
5 county election board shall issue to the voter the appropriate  
6 ballots and envelopes required for voting an emergency absentee  
7 ballot. Provided, the voter shall present proof of identity as  
8 required by Section 7-114 of this title.

9 C. The ballots must be returned in person by the voter, by  
10 United States mail, or by other means of delivery approved by the  
11 Secretary of the State Election Board, to the secretary of the  
12 county election board no later than 7:00 p.m. on the day of the  
13 election.

14 D. Upon return of the absentee ballots, the secretary of the  
15 county election board shall cause the ballots to be processed in the  
16 same manner as is prescribed for other absentee ballots.

17 E. The Secretary of the State Election Board shall promulgate  
18 rules to implement the procedures described in this section.

19 SECTION 7. AMENDATORY 26 O.S. 2021, Section 14-142, is  
20 amended to read as follows:

21 Section 14-142. A. A covered voter who is registered to vote  
22 in this state may apply for a military-overseas ballot using either  
23 the regular absentee ballot application in use in the voter's  
24 jurisdiction under Section 14-101 et seq. of ~~Title 26 of the~~

1 ~~Oklahoma Statutes~~ this title or the federal postcard application or  
2 the application's electronic equivalent. Requirements for matching  
3 of name, birth date, and identification number established pursuant  
4 to Section 14-105 of this title shall apply to applications for  
5 absentee ballots under this section.

6 B. A covered voter who is not registered to vote in this state  
7 may use a federal postcard application or the application's  
8 electronic equivalent to apply simultaneously to register to vote  
9 under Section ~~6~~ 14-141 of this ~~act~~ title and for a military-overseas  
10 ballot.

11 C. The Secretary of the State Election Board shall ensure that  
12 the electronic transmission system described in subsection C of  
13 Section ~~4~~ 14-139 of this ~~act~~ title is capable of accepting the  
14 submission of both a federal postcard application and any other  
15 approved electronic military-overseas ballot application sent to the  
16 appropriate election official. The voter may use the electronic  
17 transmission system or any other approved method to apply for a  
18 military-overseas ballot.

19 D. A covered voter may use the declaration accompanying a  
20 federal write-in absentee ballot as an application for a military-  
21 overseas ballot simultaneously with the submission of the federal  
22 write-in absentee ballot, if the declaration is received by the  
23 appropriate election official by the last day for other voters in  
24 this state to apply for an absentee ballot for that election

1 pursuant to the provisions of Section 14-103 of ~~Title 26 of the~~  
2 ~~Oklahoma Statutes~~ this title.

3 E. To receive the benefits of the Uniform Military and Overseas  
4 Voters Act, a covered voter must inform the appropriate election  
5 official that the voter is a covered voter. Methods of informing  
6 the appropriate election official that a voter is a covered voter  
7 include:

8 1. The use of a federal postcard application or federal write-  
9 in absentee ballot;

10 2. The use of an overseas address on an approved voter  
11 registration application or ballot application; and

12 3. The inclusion on an approved voter registration application  
13 or ballot application of other information sufficient to identify  
14 the voter as a covered voter.

15 F. This act does not preclude a covered voter from voting under  
16 the provisions of Section 14-101 et seq. of ~~Title 26 of the Oklahoma~~  
17 ~~Statutes~~ this title.

18 SECTION 8. This act shall become effective July 1, 2022.

19 SECTION 9. It being immediately necessary for the preservation  
20 of the public peace, health or safety, an emergency is hereby  
21 declared to exist, by reason whereof this act shall take effect and  
22 be in full force from and after its passage and approval."  
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1 Passed the Senate the 27th day of April, 2022.

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3 \_\_\_\_\_  
4 Presiding Officer of the Senate

5 Passed the House of Representatives the \_\_\_\_ day of \_\_\_\_\_,  
6 2022.

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8 \_\_\_\_\_  
9 Presiding Officer of the House  
10 of Representatives

1 ENGROSSED HOUSE  
2 BILL NO. 3364

By: Roberts (Eric) and  
Crosswhite Hader of the  
House

3  
4 and

Haste of the Senate

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7  
8 [ elections - absentee voting - effective date -

9 emergency ]

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

14 SECTION 10. AMENDATORY 26 O.S. 2021, Section 14-105, is  
15 amended to read as follows:

16 Section 14-105. A. Any registered voter may apply for an  
17 absentee ballot in person at the county election board, by United  
18 States mail, ~~by telegraph,~~ by facsimile device as defined in Section  
19 1862 of Title 21 of the Oklahoma Statutes or by a means of  
20 electronic communication designated by the Secretary of the State  
21 Election Board. The Secretary of the State Election Board shall  
22 prescribe a form to be used for the application, although any  
23 application setting forth substantially the same facts shall be  
24 valid.

1 B. 1. A registered voter applying for an absentee ballot by  
2 means of electronic communication shall provide his or her name,  
3 birth date, and an identification number.

4 2. The identification number provided must match the  
5 identification number on the voter registration in order to apply  
6 for an absentee ballot pursuant to this subsection.

7 3. If the name, birth date, or identification number provided  
8 does not match the voter registration, the voter shall be informed  
9 that the county election board is unable to find the registration  
10 with the provided information and that the voter should contact the  
11 county election board to resolve the issue.

12 4. If the voter does not have a birth date or identification  
13 number on his or her voter registration and wants to use electronic  
14 communication to apply for an absentee ballot, the voter shall  
15 complete a new voter registration to include such birth date and  
16 identification number.

17 5. Identifying information such as birth date and  
18 identification number shall not be modified online in an existing  
19 voter registration, except as provided in Section 4-109.4 of this  
20 title. A voter who does not have an identification number on his or  
21 her voter registration may apply for absentee ballots pursuant to  
22 subsection C of this section.

23 6. No later than January 1, 2023, a registered voter applying  
24 for an absentee ballot pursuant to this subsection who meets the

1 criteria provided in Section 7-115.1 of this title shall be required  
2 to confirm his or her address prior to submitting the form  
3 electronically.

4 C. 1. A registered voter applying for an absentee ballot in  
5 person, by United States mail, or by facsimile device shall provide  
6 his or her name, birth date, and an identification number.

7 2. The identification number provided must match the  
8 identification number on the voter registration.

9 3. If the voter registration did not include an identification  
10 number, no identification number shall be required on the absentee  
11 ballot application.

12 4. If the voter does not recall which identification number he  
13 or she included on the voter registration, the voter may provide  
14 multiple identification numbers, at least one of which must match  
15 the identification number on the voter registration if the voter  
16 registration included an identification number.

17 5. If the voter registration does not have an identification  
18 number, then the absentee ballot application shall be accepted  
19 without a match of an identification number.

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

23 SECTION 11. This act shall become effective July 1, 2022.  
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1 SECTION 12. It being immediately necessary for the preservation  
2 of the public peace, health or safety, an emergency is hereby  
3 declared to exist, by reason whereof this act shall take effect and  
4 be in full force from and after its passage and approval.

5 Passed the House of Representatives the 9th day of March, 2022.

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Presiding Officer of the House  
of Representatives

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Passed the Senate the \_\_\_\_ day of \_\_\_\_\_, 2022.

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Presiding Officer of the Senate

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