An Act

ENROLLED SENATE
BILL NO. 2142

By: Russell and Gumm of the Senate

and

Banz, Tibbs, Hoskin and Duncan of the House

An Act relating to elections; amending 26 O.S. 2001, Sections 14-118 and 14-120.1, as last amended by Sections 3 and 7, Chapter 272, O.S.L. 2009 (26 O.S. Supp. 2009, Sections 14-118 and 14-120.1), which relate to absentee ballots; modifying procedure for voter to request balloting materials be transmitted to electronic mail address; modifying elections for which application for special write-in absentee ballots may be made; modifying application form; providing an effective date; and declaring an emergency.

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

SECTION 1. AMENDATORY 26 O.S. 2001, Section 14-118, as last amended by Section 3, Chapter 272, O.S.L. 2009 (26 O.S. Supp. 2009, Section 14-118), is amended to read as follows:

Section 14-118. A. When an application for an absentee ballot pursuant to Section 14-117 of this title is received by the secretary of a county election board, it shall be the duty of the secretary to transmit by United States mail, by facsimile device as defined in Section 1862 of Title 21 of the Oklahoma Statutes, or as provided in subsection B of this section the ballots which the elector has requested and is entitled to receive.

B. The secretary of the county election board may transmit balloting materials for any state or federal election, or for any other election as designated by the Secretary of the State Election Board as provided in subsection D of this section, to an electronic mail address in a form and manner prescribed by the Secretary of the State Election Board, if the voter:

1. Is a ~~federal postcard application~~ Federal Post Card Application registrant and is eligible to receive an absentee ballot as provided by law;

2. ~~Provides a current address that is located outside the United States and is voting from outside the United States;~~

~~3.~~ Provides an electronic mail address; and

~~4.~~ 3. Requests that balloting materials be sent by electronic mail.

If the secretary of the county election board transmits a ballot to a voter at an electronic mail address as provided in this subsection, the secretary shall amend the voter's federal postcard application for future elections to include the voter's electronic mail address.

C. An electronic mail address provided under this section is confidential and does not constitute public information for purposes of the Oklahoma Open Records Act. The secretary of the county election board shall ensure that an electronic mail address provided under this section is excluded from disclosure.

D. The Secretary of the State Election Board shall determine if balloting materials for any election other than a state or federal election may be produced in a form which would allow them to be transmitted to an electronic mail address. If so, the Secretary shall so designate them. If such designation is not made, the balloting materials may be transmitted to the voter as provided in subsection A of this section.

E. All other provisions of this title that would normally apply to a ballot voted under this title apply to a ballot provided pursuant to the provisions of subsection B of this section.

F. The Secretary of the State Election Board may suspend the provisions of subsection B of this section if the Secretary determines that electronic transmission of balloting materials is not in the best interest of the people of this state due to a potential problem with the security of the balloting materials.

SECTION 2. AMENDATORY 26 O.S. 2001, Section 14-120.1, as last amended by Section 7, Chapter 272, O.S.L. 2009 (26 O.S. Supp. 2009, Section 14-120.1), is amended to read as follows:

Section 14-120.1 A. Notwithstanding any other law to the contrary, any qualified elector who is covered by the federal Uniformed and Overseas Absentee Voting Act of 1986, as amended, may make written or electronic application within ninety (90) days before an election for ~~presidential preference, presidential electors, or members of the United States Senate and United States House of Representatives~~ federal or statewide office to the secretary of the county election board of residence of the elector for a special write-in absentee ballot for the federal and statewide offices ~~being contested~~ on the ballot in the election. The elector shall be entitled, without being registered, if a qualified elector in the precinct of residence, to receive the special write-in absentee ballot.

B. Application shall be by using ~~Standard Form 76,~~ the Federal Post Card Application ~~for Absentee Ballot~~ form, as provided for in the federal Uniformed and Overseas Citizens Absentee Voting Act of 1986, as amended, or by letter or in electronic form setting forth substantially the same facts.

C. Upon receipt of the application, the secretary of the county election board shall issue to the elector the ballot which shall be prescribed by the Secretary of the State Election Board, a list of the offices to be voted upon, and other materials as described in Section 14-119 of this title. As soon as a completed list of nominated candidates including the party designations of the candidates is available, the secretary shall send the list to each applicant. If the list of candidates is not available when the ballot is issued, the secretary shall include a statement indicating that the list shall be mailed or electronically transmitted as soon as it becomes available.

D. The ballot shall permit the elector to vote by writing in the names of specific candidates, the names of persons whom the voter prefers, or, in the case of a general election, the party preference for each office. The ballot shall be returned in the manner specified in Section 14-120 of this title.

E. A voter who requests a special write-in absentee ballot pursuant to the provisions of this section may also request regular absentee ballots pursuant to the provisions of Section 14-116 of this title. If the regular absentee ballots are properly returned, the special write-in absentee ballot shall be deemed void and shall be rejected without the opaque envelope being opened.

F. Special write-in absentee ballots shall be counted and tabulated according to procedures prescribed by the Secretary of the State Election Board.

SECTION 3. This act shall become effective July 1, 2010.

SECTION 4. It being immediately necessary for the preservation of the public peace, health and safety, an emergency is hereby declared to exist, by reason whereof this act shall take effect and be in full force from and after its passage and approval.

Passed the Senate the 24th day of February, 2010.

Presiding Officer of the Senate

Passed the House of Representatives the 13th day of April, 2010.

Presiding Officer of the House of Representatives

OFFICE OF THE GOVERNOR

Received by the Governor this 14th **day of** April, **20**10, **at** 2:40 **o'clock** P **M.**

By:

Approved by the Governor of the State of Oklahoma the 19th **day of** April, **20**10, **at** 4:22 **o'clock** P **M.**

Governor of the State of Oklahoma

OFFICE OF THE SECRETARY OF STATE

Received by the Secretary of State this 20th **day of** April, **20**10, **at** 3:08 **o'clock** P **M.**

By: