

1 **SENATE FLOOR VERSION**

2 April 3, 2019

3 ENGROSSED HOUSE
4 BILL NO. 1259

By: Hilbert of the House

5 and

6 Paxton and Montgomery of
7 the Senate

8
9 An Act relating to elections; amending 26 O.S. 2011,
10 Sections 7-109 and 14-107, which relate to conduct of
11 elections; allowing disclosure of certain ballots by
12 specific means; making certain acts unlawful;
13 providing penalties; providing for codification; and
14 providing an effective date.

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

16 SECTION 1. AMENDATORY 26 O.S. 2011, Section 7-109, is
17 amended to read as follows:

18 Section 7-109. No person shall, within the election enclosure,
19 verbally disclose to any other person how he or she voted; nor shall
20 any person expose his or her ballot to any other person within the
21 election enclosure. A voter may take a digital image or photograph
22 of his or her marked ballot and distribute or share the image via
23 social media or by any other means if performed voluntarily and in
24 compliance with state and federal law. Testimony as to how any
individual cast his or her ballot, whether or not said ballot was

1 lawfully cast, shall not be admissible as evidence in any court of
2 law or public hearing in this state.

3 SECTION 2. AMENDATORY 26 O.S. 2011, Section 14-107, is
4 amended to read as follows:

5 Section 14-107. A. Absentee ballots must be accompanied by:

6 1. A plain opaque envelope in which voted ballots must be
7 placed by the voter;

8 2. An envelope bearing an affidavit stating that the voter is
9 qualified to vote, and that the voter has personally marked the
10 ballots, and has not exhibited the marked ballots to any other
11 person;

12 3. A return envelope addressed to the secretary of the county
13 election board; and

14 4. A notice that it is illegal for a Notary Public in this
15 state to charge a fee to notarize an official absentee ballot
16 affidavit.

17 B. A voter may take a digital image or photograph of his or her
18 marked absentee ballot and distribute or share the image via social
19 media or by any other means if performed voluntarily and in
20 compliance with state and federal law. Testimony as to how any
21 individual cast his or her absentee ballot, whether or not said
22 absentee ballot was lawfully cast, shall not be admissible as
23 evidence in any court of law or public hearing in this state.

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1 SECTION 3. NEW LAW A new section of law to be codified
2 in the Oklahoma Statutes as Section 16-124 of Title 26, unless there
3 is created a duplication in numbering, reads as follows:

4 A. Any person who:

5 1. Threatens or intimidates a voter who has shared an image of
6 a voted ballot in the manner described in Section 7-109 or 14-107 of
7 Title 26 of the Oklahoma Statutes; or

8 2. Shares such an image as described in Section 7-109 or 14-107
9 of Title 26 of the Oklahoma Statutes in order to intimidate, coerce
10 or unlawfully influence another voter,
11 shall, upon conviction, be guilty of a misdemeanor.

12 B. No employer, supervisor, union leader, or other person with
13 authority or influence over another person, shall demand or require
14 that person to distribute or share an image of his or her voted
15 ballot. Any person who violates this subsection shall, upon
16 conviction, be guilty of a misdemeanor.

17 SECTION 4. This act shall become effective November 1, 2019.

18 COMMITTEE REPORT BY: COMMITTEE ON RULES
19 April 3, 2019 - DO PASS
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