

CHAPTER 35. ELECTION CONDUCT SUBCHAPTER 1. GENERAL PROVISIONS

230:35-1-2. Definitions

The following words or terms, when used in this ~~Chapter~~ Title, shall have the following meaning, unless the context clearly indicates otherwise:

"Abandoned ballot" means a ballot inserted into the voting device at a polling place by a voter who leaves the voting enclosure before the device has processed the ballot which is returned by the device to notify the voter of an error that prevents counting one or more races on said ballot.

"Discarded ballot" means a ballot, either marked or unmarked, left behind within the voting enclosure by the voter to whom it was issued.

"Election enclosure" means the area in which the voting process occurs at a polling place on a day of in-person early absentee voting or on election day and generally includes the place where Precinct Officials, voting booths and voting devices are located as well as the area in which voters wait in line to identify themselves to Precinct Officials and receive their ballots.

"Federal election" means a regular or special election involving candidates for federal offices.

"MESA" means the Modern Election Support Application software used by County Election Board personnel for voter registration, absentee voting, and election administration and maintenance. Any reference in this Title to MESA or OEMS is a reference to the current version of election management software utilized by State and County Election Board personnel, as applicable.

"Proof of identity" means a form of personal identification that meets the requirements listed in 26 O.S., Section 7-114, ~~as amended by State Question 746.~~

"Spoiled ballot" means a ballot in which a voter has notified Precinct Officials that an accidental mark or mistake was made and the voter needs a new ballot. Additionally, a spoiled ballot is one that the voting device has rejected for various reasons, including circumstances where marks were made inside the voting targets for more than the allowed number of candidates in a race or on a question or proposition, or the ballot was defaced or damaged in such a manner that it could not be properly scanned by the voting device. In such circumstances, the voting device returns such ballots to the voter for correction or replacement.

SUBCHAPTER 5. INSTRUCTIONS FOR PRECINCT ~~ELECTION~~ OFFICIALS PART 11. PROCESSING THE VOTER

230:35-5-57. Routine for Inspector

The Inspector follows these routine steps to process voters. Refer to the *Election Day Reference and Problem Solver* in the Precinct Official Notebook for instructions in non-routine situations.

- (1) Give the voter a ballpoint pen.
- (2) Direct the voter to a vacant voting booth and ask the voter to read the Attention Voter poster in the voting booth.
- (3) Tell the voter that after marking the ballots in the privacy of the voting booth, he should place the voted ballot inside a secrecy folder, if used, and return to the voting device. [26:7-

120]

(4) When the voter returns to the voting device, tell the voter to feed the ballot into the voting device. Either end of the ballot may be fed first and the ballot may face up or down.

(5) Retrieve the ballpoint pen and secrecy folder, if used, from the voter.

(6) If the voting device returns a ballot, the voter may be able to resolve the problem himself by following the instructions on the voting device console screen and pressing the appropriate buttons. However, the Inspector should always be prepared to answer questions and to assist the voter if necessary.

(7) If the voting device console screen displays an error code and a message indicating that the ballot has already been counted, follow the instructions in the *Election Day Reference and Problem Solver* in the Precinct Official Notebook to resolve the problem.

(8) In the event a voter inserts a ballot into the voting device, immediately leaves the voting enclosure, and the device rejects and returns the ballot, the Inspector shall leave the abandoned ballot in the device and press the Cast Ballot button on the device console to accept the ballot unchanged.

230:35-5-58. Additional duties of Inspector

In addition to Inspector's duties when processing voters, the Inspector also performs the following tasks on election day.

(1) Inspect voting booths and other areas of the voting enclosure periodically for discarded ballots. If you find marked or unmarked ballots discarded in a voting booth or other location within the voting enclosure, show them to the Judge and Clerk, ~~and then feed them into the voting device~~

~~(2) If you find marked ballots, show them to the Judge and Clerk and attach them to the Inspector's Notes to Secretary sheet. Explain on the sheet that the ballot was found discarded in a voting booth or other location within the voting enclosure. Fold the discarded ballot in half and give it to the Clerk for placement in the bag for discarded and spoiled ballots.~~

(3) Inspect voting booths and other areas within the voting enclosure periodically for campaign literature and remove any that you find.

(4) Call the County Election Board office immediately if the ballot supply seems low.

(5) Check the public counter on the voting device console screen periodically through the day. Call the County Election Board office immediately if the public counter reaches 3000.

Follow the instructions given by the County Election Board staff.

230:35-5-127. Spoiled ballots

(a) ~~A spoiled ballot is a ballot that the voter marks incorrectly, or a ballot that is defaced or damaged by the voter.~~ Before spoiling a ballot returned by the voting device, the Inspector must follow the appropriate instructions in the *Election Day Reference and Problem Solver* ~~in the Precinct Official Notebook~~ to determine whether the ballot ~~already~~ has been counted. The reason the ballot was returned by the device will be displayed on the screen and an error code will appear in the lower right corner while the ballot remains in the throat of the voting device. Do not remove the ballot before noting both the on-screen message and the error code. If it has not been counted, spoil the ballot and tell the Clerk to issue a new ballot to the voter.

(b) When a ballot is spoiled ~~because the voter either has made an error marking it or has damaged or defaced it in some way, such as making a mark in a security bar code~~, the Clerk uses follows this procedure.

- (1) Ask the voter to fold the spoiled ballot in half. If more than one ballot was issued to the voter, tell the voter to put all correctly marked ballots in the voting device.
- (2) Take the folded, spoiled ballot from the voter, tear it into small pieces, and ~~discard it~~ put the pieces inside the bag labeled Spoiled and Discarded Ballots. [26:7-132]
- (3) Write the ballot code in the "Ballot Spoiled" column beside the voter's signature.
- (4) Tell the voter to read the oath printed on the ~~gold~~-Spoiled Ballot Affidavit and to sign the form. [26:7-122]
- (4) ~~Write the ballot code in the "Ballot Spoiled" column beside the voter's signature.~~
- (5) Issue a new ballot to replace the spoiled ballot. [26:7-122]
- (6) Tell the voter to go back to the voting booth, mark the new ballot and put the new ballot in the voting device.