

CHAPTER 30. ABSENTEE VOTING

SUBCHAPTER 7. ABSENTEE VOTING BOARDS

230:30-7-6.1. Training for Absentee Voting Board members

(a) The Secretary of the County Election Board shall train the Absentee Voting Board members in their duties before the Absentee Voting Board makes its first visit to a nursing home or veteran center or first provides service to in-person absentee voters. The State Election Board provides the County Election Board Secretary with instructions for conducting training for both nursing home and in-person Absentee Voting Board members.

(1) **Absentee Voting Board Procedures for Nursing Home Absentee Voting Board.** Training for members of a nursing home Absentee Voting Board shall include a review of this publication. The Secretary also shall review the specific types of ballots and the potential combinations of ballots, the contents of the pink absentee voter packet, and the use of the Absentee Voting Board Record, the Spoiled Ballot Affidavit, and the Election Day Reference and Problem Solver in the Precinct Official ~~Notebook~~ Manual.

(2) **Absentee Voting Board Procedures for In-person Absentee Voting Board.** Training for members of an in-person Absentee Voting Board shall include a review of this publication. The Secretary shall provide instructions for using MESA to verify a voter's registration information and registration status and shall review the specific types of ballots and potential combinations of ballots. The Secretary also shall review the uses of the Spoiled Ballot Affidavit, the Voter Assistance Form, the Ballot Accounting Forms, and the Election Day Reference and Problem Solver in the Precinct Official ~~Notebook~~ Manual.

(b) Following the initial training for nursing home and in-person Absentee Voting Board members, the Secretary shall provide a review of the Absentee Voting Board's duties and procedures, if necessary, before they serve in any election.

230:30-7-7. Supplies for Absentee Voting Board

(a) **Supplies for nursing home Absentee Voting Board.** The Secretary shall assemble the necessary supplies for the nursing home Absentee Voting Board. Necessary supplies include, but are not limited to, a pink Incapacitated Voter Packet with ballots for each voter; a ballot box; black ballpoint pens; the Absentee Voting Board Additional Ballot Accounting Form; the Absentee Voting Board Record; Absentee Voting Board Procedures for Nursing Home Absentee Voting Board; a copy of the Precinct Official ~~Notebook~~ Manual; Oklahoma Voter Registration Application forms; Address Information Requested handouts; Request to Cancel Registration of Deceased Voter forms; and an adequate number of extra ballots for each type of ballot to replace ballots that may be spoiled by the voter.

(b) **Supplies for in-person Absentee Voting Board.** The Secretary shall assemble the supplies necessary for the Absentee Voting Board to provide service to in-person absentee voters. These supplies include, but are not limited to, Application for In-Person Absentee Ballots forms; ballots; secrecy folders; a voting device; plastic seals for the election results storage medium compartment cover; one voting device key envelope; a padded bag or an envelope for the election results storage medium; an Envelope for Tally Report; ballot transfer boxes; a long white State Election Board seal for each ballot transfer box; black ballpoint pens; a quantity of Oklahoma Voter Registration Application forms; Address Information Requested handouts; a copy of Absentee Voting Board Procedures for In-Person Absentee Voting Board; and a copy of the Precinct Official ~~Notebook~~ Manual.

230:30-7-9. Procedure for the nursing home Absentee Voting Board

(a) On the day scheduled for the Absentee Voting Board to visit nursing homes and veteran centers, the Board shall meet with the Secretary of the County Election Board at the County Election Board office. The members shall sign the Absentee Voting Board Record. The ballot box shall be prepared as outlined in 230:30-7-8 and issued to the nursing home Absentee Voting Board members. Adequate supplies and ballots shall be provided to anticipate voter assistance requirements and spoiled ballots. Precautions shall be taken to insure accounting for each ballot. The Secretary shall instruct the Absentee Voting Board as to the type of ballots each voter shall receive in case a voter spoils a ballot and a new ballot must be issued.

(b) The Absentee Voting Board shall observe the following procedure:

(1) The two members of the Absentee Voting Board shall travel together in one automobile, taking all necessary forms and supplies.

(2) Upon arrival at a nursing home or veteran center, the Absentee Voting Board shall make arrangements for those incapacitated voters listed on the Absentee Voting Board Record to vote. Only those persons whose names are on the Absentee Voting Board Record shall be permitted to vote. If the message "Confirm Address" or "Insufficient Address" appears on the Absentee Voting Board Record, the Absentee Voting Board members shall give the voter a copy of the Address Information Requested handout and shall ask the voter to complete an Oklahoma Voter Registration Application form.

(3) The voter must mark his ballots with a black or blue ballpoint pen in the presence of the Absentee Voting Board, but in such a manner as to make it impossible for anyone but the voter to tell how the ballots are marked. [26:14-115(3)]

(4) As far as possible, the voting procedure shall be the same as if the voter were casting a ballot in person at a precinct polling place on election day. [26:14-115(3)] This includes providing privacy and offering assistance, as provided by law,

to persons who are unable to mark their own ballots due to physical or visual disabilities or illiteracy. The voter assistance procedures outlined in the Election Day Reference and Problem Solver section of the Precinct Official Notebook Manual shall be followed. However, the Voter Assistance Form shall not be used. The person who marks the voter's ballot shall complete and sign the "Assistant's Oath" on the absentee affidavit envelope. [26:14-113.2]

(5) While a voter may receive assistance, only the voter may determine how the ballots are to be marked. If the voter is unable to instruct the person providing assistance, the voter shall not be permitted to vote. If necessary, the voter also may receive assistance to complete the Oklahoma Voter Registration Application.

(6) The procedure outlined in the Election Day Reference and Problem Solver section of the Precinct Official Notebook Manual shall be followed if a voter spoils a ballot. The Spoiled Ballot Affidavit shall be used as required.

(7) When the voter has marked the ballots, the voter shall fold and seal them in the white ballots envelope. [26:14-115(4)] The voter then shall seal the white ballots envelope inside the pink affidavit envelope. [26:14-115(4)]

(8) The voter then shall complete and sign the affidavit. [26:14-115(4)] The voter's signature must be witnessed by both members of the Absentee Voting Board. [26:14-115(4)] The Absentee Voting Board members shall sign the affidavit in the space for witnesses but shall not be required to provide their addresses.

(9) The affidavit envelope then shall be placed in the outer envelope and sealed. [26:14-115(5)]

(10) Each outer envelope containing absentee ballots immediately shall be placed in the absentee ballot box.

(11) If a voter listed on the Absentee Voting Board Record is present, a member of the Absentee Voting Board shall check either the "Voted" column or the "Did Not Vote" column, as appropriate. If the voter is not present at the time of the Absentee Voting Board visit or moved back home or to another nursing home, check "Undeliverable." If the voter has died, check "Undeliverable" and follow the instructions in (c) of this section.

(12) All Oklahoma Voter Registration Application forms completed by voters to update their voter registration information shall be placed with other voting supplies for return to the County Election Board office.

(13) When the Absentee Voting Board has completed its visit to each nursing home or veteran center scheduled for that particular day, the members shall return to the County Election Board office and leave the ballot box in the custody of the Secretary. [26:14-115(5)] The Absentee Voting Board members shall account for all supplies and unused ballots. The ballot box shall be removed from the County Election Board office only when the Absentee Voting Board is performing its duties. The ballot box, once locked, shall not be unlocked again until it is time for the County Election Board members to remove the outer envelopes. See 230:30-11-2.

(c) In the event that members of the nursing home Absentee Voting Board learn that a nursing home voter listed on the Absentee Voting Board Record has died, the Absentee Voting Board members shall ask the nursing home administrator to fill out and sign a Request to Cancel Registration of Deceased Voter forms. One member of the Absentee Voting Board may witness the administrator's signature, or the administrator may sign the form in the presence of a Notary Public. The Absentee Voting Board shall return the signed form to the County Election Board Secretary along with the ballot box and supplies when their duties are concluded.

230:30-7-11. Procedure for in-person Absentee Voting Board to receive applications and issue ballots

The Absentee Voting Board members shall observe the following procedure when a voter appears and requests an in-person absentee ballot.

(1) Ask the voter to fill out and sign a green Application for In-Person Absentee Ballots form.

(2) Take the completed application form and enter the voter's name and birth date in MESA to locate the voter's registration information.

(A) If the voter's information cannot be located in MESA, immediately ask a County Election Board staff member for assistance to verify the voter's registration using the Central File.

(B) If the voter's registration cannot be verified in MESA or in the Central File, offer the voter a provisional ballot.

(3) Ask the voter for proof of identity and check to see that the voter's name on the proof of identity document substantially conforms to the voter's name in MESA. If the proof of identity has an expiration date, verify that the expiration date is later than election day. All documents used for proof of identity, except the voter identification card or temporary voter identification document issued by the County Election Board, must include a photograph of the voter.

(A) The voter may present any of the following documents as proof of identity.

(i) a valid Oklahoma driver license

(ii) a voter identification card issued by the County Election Board

(iii) a temporary voter identification document issued by the County Election Board

(iv) a state identification card

(v) a United States passport

(vi) a United States military identification, including an identification card issued by a branch of the armed services to a retired member or such armed service.

(vii) any other such document issued by the State of Oklahoma, the United States government, or a federally recognized tribal government which includes the person's name, a photograph of the person, and an expiration date that is later than election day.

(B) Indicate that the voter presented valid proof of identity by writing "YES" in the space provided in the "For Absentee Voting Board Use" section of the green Application for In-Person Absentee Ballot.

(C) If the voter's proof of identity is not valid, if the voter has no proof of identity, or if the voter refuses to provide proof of identity, offer the voter a provisional ballot. See 230:30-7-15 and 230:35-5-177. If the voter refuses the offer of a provisional ballot, record the incident on the Provisional Ballot Refusal form.

(4) If the "Status" field in the Voter/District Information area on screen indicates the voter is inactive, if the "School" or "Municipality" fields on are blank, or if the voter tells you that his or her residence address has changed, give the voter a copy of the Address Information Requested handout and an Oklahoma Voter Registration Application form.

(5) If the words "Absentee Ballot Requested" appear in red in the Voter/District Information area on the screen, print the voter's name and enter the voter's precinct number on the pink Absentee Voter Affidavit. Tell the voter to read the oath and to sign the Affidavit.

(6) If information appears in red at the bottom of the window indicating that the voter has returned an absentee ballot for this election by mail or has voted on an earlier day of in-person absentee voting, do not issue a regular absentee ballot. Follow the instructions in 230:30-7-15 to offer and issue a provisional ballot.

(7) Print a label and apply it to the application form in the space provided "For Office Use Only."

(8) Issue the ballots indicated by the voter's registration information in MESA and give the voter a black ballpoint pen. [26:14-115.4]

(9) Offer the voter a secrecy folder. Use a sample ballot to demonstrate use of the secrecy folder, if necessary.

(10) Direct the voter to a voting booth to mark the ballots.

(11) Provide assistance as outlined in the Election Day Reference and Problem Solver section of the Precinct Official ~~Notbook~~Manual to voters who need help reading and/or marking their ballots. Disregard references to the Precinct Registry. Use the Voter Assistance Form.

(12) Follow the procedure outlined in the Election Day Reference and Problem Solver section of the Precinct Official ~~Notbook~~Manual if a voter spoils a ballot. Use the Spoiled Ballot Affidavit.

(13) Tell the voter to insert the voted ballot in the voting device. [26:14-115.4(4)]

(14) Take the ballpoint pen and the secrecy folder, if used, back from the voter.

(15) If the voting device returns the voter's ballot, ask the voter read the message and instructions on the voting device console screen. Do not look at the voter's ballot unless the voter asks you to do so. Follow the appropriate instructions in the Election Day Reference and Problem Solver in the Precinct Official ~~Notbook~~Manual as necessary to help the voter. Ask County Election Board personnel for assistance if necessary.

230:30-7-11.1. Preparation of polling place and voting device for in-person absentee voting

(a) **Receiving supplies and setting up polling place on first day.** On each in-person absentee voting day, the Absentee Voting Board members meet in the County Election Board office at the time set by the County Election Board Secretary to receive their supplies for the day. The Absentee Voting Board members then go together to the in-person absentee polling place. A table and chairs, one or more voting devices, voting booths, and a computer with access to the secure network and the MESA software or the Central File should already be in place at the in-person absentee polling place when the Absentee Voting Board members arrive. The Absentee Voting Board members unpack the supplies and prepare each voting device as outlined in (b) of this Section. The Absentee Voting Board members must be ready to receive applications from in-person absentee voters at 8 a.m.

(b) **Preparing voting device on first day.** The Absentee Voting Board shall turn on the voting device and prepare it to accept ballots as outlined in the voting device instructions section of the Precinct Official ~~Notbook~~Manual.

(c) **Receiving supplies and setting up polling place on subsequent days.** On subsequent days of in-person absentee voting, the members of the Absentee Voting Board meet at the County Election Board office at the time specified by the Secretary to receive their supplies for the day. The Absentee Voting Board members also must receive the election results storage device for each voting device from the Sheriff no later than 7:45 a.m. [25:14-115.4] The Absentee Voting Board members then follow the instructions in the voting device instruction section of the Precinct Official ~~Notbook~~Manual and in (d) of this Section to prepare each voting device.

(d) **Preparing voting device on subsequent days.** On subsequent days of in-person absentee voting, the Absentee Voting Board receives the election results storage device from the Sheriff and prepares the voting device as follows. Follow the procedure provided by the Secretary of the County Election Board to open the polls on each voting device designated for in-person absentee voting.

(e) **Supplies and voting devices for additional in-person absentee polling places.** In the event that in-person absentee polling places have been designated in the county in addition to the polling place located at the County Election Board office, all necessary supplies and materials may be delivered to the additional locations by County Election Board personnel and the in-person Absentee Voting Board members shall meet at the polling place location no later than thirty minutes prior to the start of voting to prepare the polling location and be ready to receive applications from voters at the appropriate time.

SUBCHAPTER 9. PROCESSING APPLICATIONS

230:30-9-8. Processing ~~first responder/emergency worker~~ emergency absentee applications, issuing ballots, and receiving voted ballots

(a) **Who may apply.** First responders and emergency workers or uniformed service voters who are deployed ~~to assist with rescue, recovery, and/or relief efforts in the wake of a declared natural disaster or a declared state of emergency within ten days~~ pursuant to

26 O.S. § 14-115.6 after the deadline to request an absentee ballot as provided in 26 O.S. Section 14-103 may apply for an emergency absentee ballot. Such requests from uniformed service voters or first responders and emergency workers may be received and processed up to and even on election day, as long as the voted ballot is received by the County Election Board no later than 7 p.m. on election day.

(b) **Processing emergency absentee ballot applications and issuing ballots.** When a uniformed service voter or first responder or emergency worker is deployed ~~within ten days~~ after the deadline to request an absentee ballot as provided in 26 O.S. Section 14-103 ~~to assist with rescue, recovery, and/or relief efforts in the wake of a declared natural disaster or a declared state of emergency~~ and requests an emergency absentee ballot, the Secretary of the County Election Board shall ensure the following procedure is observed.

- (1) Give the voter a copy of the Application for Emergency Absentee Ballot ~~– First Responders and Emergency Workers form~~. The form may be emailed or faxed to the voter or a copy may be printed in your office and given to the voter.
- (2) Tell the voter to fill out the form and to provide all the requested information. The form must be signed and dated by the voter. Ask to see the voter's proof of identity. See 230:35-3-140 and 230:35-3-141.
- (3) Upon receipt of the voter's completed and signed application, enter the application in MESA.
- (4) Issue the appropriate absentee ballot or ballots and a standard/yellow absentee ballot packet and instructions to the voter. Make a notation on the outer envelope that this is an emergency absentee ballot.
- (5) Tell the voter to fill out the affidavit envelope and to have his/her signature on the affidavit notarized. County Election Board personnel may not notarize the affidavit.
- (6) Tell the voter that his or her voted ballot must be received by the County Election Board by 7 p.m. on the day of the election in order to be counted.

(c) **Returning voted emergency absentee ballots to the County Election Board.** First responders and emergency workers or uniformed service voters who apply for emergency absentee ballots as outlined in (a) and (b) of this Section have the options listed below for returning their voted absentee ballots to the County Election Board. The absentee ballot affidavit must be signed and notarized and must be sealed inside the appropriate absentee envelopes.

- (1) The voter may return the voted ballot to the County Election Board office in person. If the voter returns his or her emergency absentee ballot in person, ask to see the voter's proof of identity.
- (2) The voter may return the voted ballot by United States mail (including by USPS Express Mail™).
- (3) The voter may return the voted ballot by a private delivery services (such as FedEx™) that provides delivery documentation.

(d) **Receiving voter emergency absentee ballots.** Upon receipt of an emergency absentee ballot in-person from the voter or by mail, follow the steps outlined below.

- (1) Make the following notation on the outer envelope. "Emergency Absentee Ballot from First Responder/Emergency Worker/Uniformed Service Voter received on (DATE) at (TIME)." Also note whether the ballot was received in person from the voter, by mail, or by private delivery service.
- (2) Give the emergency voter credit for voting in MESA.
- (3) Place the voted ballot, sealed inside the appropriate envelopes, in the absentee ballot box.

SUBCHAPTER 19. COUNTING THE BALLOTS

PART 1. COUNTING ABSENTEE BALLOTS ON ELECTION DAY

230:30-19-4. Procedure for counting absentee ballots on election day

(a) On election day at such time as the Secretary of the County Election Board may prescribe, the County Election Board shall meet to count absentee ballots. The following procedure shall be observed to count ballots received by mail or private delivery service.

- (1) Outer envelopes first shall be removed and the affidavits examined as outlined in 230:30-11-2.
- (2) The properly executed affidavit envelopes shall be opened by the County Election Board, and the ballot envelopes shall be removed as outlined in 230:30-11-3. [26:14-125(A)(1)]
- (3) The unopened ballot envelopes shall be placed inside a ballot box. [26:14-125(A)(2)] The ballot box shall be shaken to mix the ballot envelopes. [26:14-125(A)(3)]
- (4) The ballot envelopes shall be removed from the box. [26:14-125(A)(3)] The ballot envelopes shall be opened, and the ballots removed. [26:14-125(A)(3)] If an Oklahoma Voter Registration Application form has been enclosed by an inactive voter inside the ballot envelope, remove it and set it aside to be processed later. Proceed to the next step.
- (5) The Secretary shall assign an employee of the County Election Board to each voting device or high-speed scanner to be used to count the absentee ballots. The County Election Board Chairman and Vice Chairman shall be present and shall observe the counting process.
- (6) The person assigned to operate the voting device shall insert the absentee ballots one at a time into the voting device until all absentee ballots received have been counted. This procedure shall be repeated as necessary as additional absentee ballots are received until 7 p.m. The following factors shall be considered. Counties using high-speed scanners to count mail absentee ballots shall follow the specific instructions provided for operation of those machines to scan ballots and to resolve, if possible, any problems with ballots the scanner rejects.

(A) In no event shall fewer than 12 absentee ballots be counted at any one time, unless fewer than 12 ballots are received in total or after the first count is completed. [26:14-125(B)]

(B) If the voting device returns a ballot because of an overvote or other error made by the voter when marking the ballot, accept the ballot. See 230:35-5-162. [26:14-125(B)]

(C) In the event that a ballot is damaged or defaced, as outlined in 230:30-19-5(a), to the extent that it cannot be read and counted by the voting device, the procedure described in 230:30-19-5(b) shall be observed.

(7) In the event that the election results storage device in a voting device used during in-person absentee voting fails and results cannot be read into the tabulation computer, the backup memory device in the voting device shall be removed and read into the tabulation computer. If the backup memory device in the voting device cannot be accessed, an election night recount of all ballots cast on that voting device during in-person absentee voting shall be conducted as outlined in 230:35-3-85.1. If an election night recount of ballots cast during in-person absentee voting is required, the Secretary shall obtain the sealed ballot transfer cases containing voted absentee ballots from the Sheriff before beginning the recount procedure. [26:14-115.4(B)(7)]

(8) As soon as possible after 7 p.m. and after all absentee ballots received prior to 7 p.m. have been processed through the voting device, the election results storage device shall be removed from each voting device or high-speed scanner used to count mail and nursing home absentee ballots and the election results storage device or devices used during in-person absentee voting shall be returned by the Sheriff.

(9) These election results storage devices shall be given to the tabulation computer operator to be read and tabulated as soon as possible after 7 p.m. The tabulation computer operator shall print a Cumulative Report and a Precinct Report from Tally immediately after reading and tabulating the election results for in-person absentee voting and for mail and nursing home absentee ballots. ~~One~~A copy of each report shall be ~~posted on the door of the County Election Board office and additional copies shall be made available to the news media and other interested persons as requested~~made publicly available upon request.

(10) The person assigned to operate the voting device shall open the main compartment of the ballot box, remove the ballots, and place them inside a ballot transfer case. The ballot transfer case shall be sealed with a long white State Election Board seal and the seal shall be signed by the person who operated the voting device and by the County Election Board members.

(b) Federal write-in absentee ballots submitted by uniformed services and overseas voters, ballots issued to uniformed services and overseas voters online through the OMOBO system, and all regular absentee ballots issued to these voters by mail and returned by fax shall be counted by following the procedure described in 230:30-19-6.