

PROPOSED PERMANENT AMENDMENTS  
2021

**CHAPTER 35. ELECTION CONDUCT  
SUBCHAPTER 1. GENERAL PROVISIONS**

**230:35-1-2. Definitions**

The following words or terms, when used in this Chapter, 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.

**"Auxiliary Precinct Official"** means a person assigned by the County Election Board Secretary to work at a polling place on election day to assist the appointed Precinct Officials with voters who must complete certain tasks before a voter signs a Precinct Registry and receives a ballot.

**"Discarded ballot"** means a ballot, either marked or unmarked, left behind in a voting booth or other location 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 and also 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.

**"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.

**SUBCHAPTER 3. COUNTY ELECTION BOARD RESPONSIBILITIES  
PART 1. GENERAL PROVISIONS**

**230:35-3-3. Assembling precinct supplies**

(a) Well in advance of any election, the Secretary shall assemble supplies for every precinct and shall pack them in an envelope, a box, a bag, a binder, or another container. ~~The Secretary may use the Supply Envelope and the Supply Box provided by the State Election Board or any other adequate container.~~ Each election supply container shall be labeled for the appropriate precinct. (Some materials cannot be included in the supplies until after ballots are printed.) The Secretary shall prepare and use a Precinct Check List for each precinct to verify that all necessary supplies are included.

(b) The following items shall be included in the election supplies for each precinct. ~~The quantities listed are recommended minimum quantities.~~ Some or all of the following items shall also be provided to early in-person absentee polling locations.

(1) **Precinct Official Notebook.** One Precinct Official Notebook shall be provided for each

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election day polling place. The Precinct Official Notebook shall contain the Election Day Reference and Problem Solver and forms needed by Precinct Officials on election day.

(2) **Forms, Checklists, and handouts.** In addition to the forms contained inside the Precinct Official Notebook, certain additional forms and handouts shall be included in the election supplies for each precinct. These items may be included inside the Precinct Official Notebook or in another notebook or container according to the preferences of the Secretary of the County Election Board. Each year, the Secretary of the State Election Board shall provide a list of all additional checklists, forms, and handouts to be used by Precinct Officials at all election day polling places.

(3) **Envelopes.** Several special envelopes shall be included in the election supplies for each precinct. Each year, the Secretary of the State Election Board shall provide a list of all special envelopes and appropriate instructions for their use.

(4) **Signs and Maps.** Several specific signs and maps shall be included in the election supplies for each precinct. Each year, the Secretary of the State Election Board shall provide a list of all signs and maps needed at election day polling places and instructions for their use or display.

(5) **Other Supplies.** Other supplies, such as ballpoint pens, paper clips, rubber bands, scissors, and tape, shall be included in the election supplies for each precinct. Each year, the Secretary of the State Election Board shall provide a list of additional supplies needed for all election day polling places.

(6) **Provisional voting supplies.** Provisional voting supplies shall be included in the supplies for each election day polling place. The Secretary of the State Election Board shall provide a list of all such supplies each year.

(7) **Precinct Registry, Voting Device, and ballots.** The Precinct Registry, voting device, and ballots are issued to the Inspector along with the appropriate election supplies for each election day polling place. See 230:35-3-57 and 230:35-3-68.1.

### PART 3. BALLOTS

#### **230:35-3-18. Recording ballot numbers and storing state ballots**

After examining the ballots, the Secretary shall place the ballots for each precinct in numerical sequence. The Secretary then shall assign appropriate quantities of ballots for each precinct as absentee ballots, election day ballots, for testing procedures, and as safety stock-~~each precinct.~~ The Secretary shall record the stub numbers of the ballots assigned to each purpose on a Ballot Distribution Log for the election. The ballots shall be stacked in numerical order in ballot transfer boxes labeled by precinct number and intended use. The packed and labeled ballot transfer boxes shall be held in a secure location within the control of the County Election Board Secretary. The ballot transfer box or boxes shall not be sealed until issued to an Inspector or Absentee Voting Board.

### PART 5. PRECINCT OFFICIAL PAYROLL COMPENSATION

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**230:35-3-30. Pre-Election Expense Claim**

(a) When the state, the county, a school district, a municipality, or any other governmental entity calls an election to be conducted by the County Election Board, the Secretary of the County Election Board shall prepare an estimate of the number of Precinct Officials, Absentee Voting Board members, and ~~any authorized special-purpose precinct workers-auxiliary~~ Precinct Officials required for the election, and the amount of compensation for all Precinct Officials, Absentee Voting Board members, and ~~special-purpose precinct workers-auxiliary~~ Precinct Officials. [26:3-105.1(A)] The estimate also shall include mileage reimbursement for Inspectors to pick up and return election supplies and materials; for Precinct Officials, and ~~special-purpose precinct workers-auxiliary~~ Precinct Officials assigned to polling places located ten miles or more from their homes; for any Absentee Voting Board member who travels 10 miles or more from home to the County Election Board office or in-person absentee polling place to report for duty; and for one member of each nursing home Absentee Voting Board. The Secretary shall prepare the estimate, which shall be known as a Pre-Election Expense Claim, in MESA. The Pre-Election Expense Claim shall be submitted to the entity not less than 35 days prior to the election. [26:3-105.1(A)]

(b) ~~The compensation for Precinct Officials, Absentee Voting Board members, and any authorized special-purpose precinct workers shall be billed as follows.~~

~~(1) **Inspector.** The Inspector shall receive a total of \$97 for an election. The Inspector also shall be reimbursed for mileage for two round trips from his home to the County Election Board office at the rate currently allowed by the Internal Revenue Service for a business expense deduction. An Inspector assigned to a polling place located ten miles or more from his or her home also may be reimbursed for one-way mileage from home to the assigned polling place. See 230:35-3-31.1.~~

~~(A) **Statewide elections.** For a statewide election, the State Election Board shall be billed \$95 per Inspector. The State Election Board also shall be billed for the total amount of mileage reimbursement for the Inspectors. The county shall be billed \$2 per Inspector for a statewide election.~~

~~(B) **Other elections.** For a county election, a school district election, a municipal election or any other election, the entity authorizing the election shall be billed \$97 per Inspector, plus the total amount of mileage reimbursement for the Inspectors.~~

~~(2) **Judge and Clerk.** The Judge and Clerk each shall receive a total of \$87 for an election. In addition, a Judge or Clerk assigned to a polling place located ten miles or more from his or her home may be reimbursed for round-trip mileage from home to the assigned polling place. See 230:35-3-31.1.~~

~~(A) **Statewide elections.** For a statewide election, the State Election Board shall be billed \$85 per Judge and \$85 per Clerk. The county shall be billed \$2 per Judge and \$2 per Clerk. The State Election Board also shall be billed for any mileage paid to Judges and Clerks.~~

~~(B) **Other elections.** For a county election, a school district election, a municipal election or any other election, the entity authorizing the election shall be billed \$87 per Judge and \$87 per Clerk. The entity also shall be billed for any mileage paid to Judges~~

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and Clerks.

~~(3) **Absentee Voting Board members.** Absentee Voting Board members each shall receive \$87 for each day they serve for an election. An Absentee Voting Board member who travels ten miles or more from home to the County Election Board office or to a remote in-person absentee polling place to report for duty may receive round-trip mileage reimbursement. In addition, one member of each nursing home Absentee Voting Board shall receive mileage reimbursement for the round trip from the County Election Board office to the nursing home or homes.~~

~~(A) **Statewide elections.** For a statewide election, the State Election Board shall be billed for the total amount of \$87 per Absentee Voting Board member plus appropriate mileage reimbursement.~~

~~(B) **Other elections.** For a county election, a school election, a municipal election, or any other election, the entity authorizing the election shall be billed \$87 for each Absentee Voting Board member for each day served plus appropriate mileage reimbursement.~~

~~(4) **Special purpose precinct workers.** Special purpose precinct workers, such as Provisional Voting Officers or Registration Officials, shall receive \$87 for an election. In addition, a special purpose precinct worker assigned to a polling place ten miles or more from his or her home may be reimbursed for round-trip mileage from home to the assigned polling place.~~

~~(A) **Statewide elections.** For a statewide election, the State Election Board shall be billed \$85 per special purpose precinct worker. The county shall be billed \$2 per special purpose precinct worker. The State Election Board also shall be billed for any mileage paid to special purpose precinct workers.~~

~~(B) **Other elections.** For a county election, a school district election, a municipal election or any other election, the entity authorizing the election shall be billed \$87 per special purpose precinct worker. The entity also shall be billed for any mileage paid to special purpose precinct workers.~~

~~(5) **Mileage.** Mileage is reimbursed at the rate currently allowed by the Internal Revenue Service for a business expense deduction.~~

The amount of compensation paid for each election to Inspectors, Judges, Clerks, Absentee Voting Board members and auxiliary Precinct Officials shall be increased every four years from July 1, 2020, through July 1, 2028, as provided by Title 26 O.S., Section 2-129. The increased rates of compensation shall be paid for every regular and special election conducted by a County Election Board for any entity authorized to call such elections and including both federally and state-mandated regular elections. The amount and effective date of each increase shall be implemented as described in this Section.

(1) **Inspectors.** Precinct Inspectors shall be compensated at the rate of \$110 for every election between July 1, 2020, and June 30, 2024. The rate of compensation shall increase on July 1, 2024, to the amount of \$125 for all such elections held through June 30, 2028. On July 1, 2028, the rate of compensation shall increase to the amount of \$150 for all elections held from that date forward.

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**(2) Judges, Clerks, auxiliary Precinct Officials, and all Absentee Voting Board members.** Precinct Judges, Clerks, auxiliary Precinct Officials and Absentee Voting Board members shall be compensated at the rate of \$100 beginning on July 1, 2020, through June 30, 2024. The rate of compensation shall increase to \$115 beginning on July 1, 2024, through June 30, 2028. On July 1, 2028, the rate of compensation Precinct Judges, Clerks, auxiliary Precinct Officials and Absentee Voting Board members shall increase to \$130 for all elections held from that date forward.

**(3) County share of Precinct Officials, auxiliary Precinct Officials, and Absentee Voting Board member compensation.** For all regular Primary, Runoff Primary, and General Elections held for federal, state, and county offices, for the Presidential Preferential Primary Election, for all statewide special elections, and for all special elections for United States Senators, United States Representatives, State Senators, and State Representatives, the county shall pay \$5 of the total amount of compensation for each Precinct Official, auxiliary Precinct Official, an Absentee Voting Board member and the State Election Board shall pay the remaining amount.

(c) When two or more entities hold elections on the same date and two or more of the entities are involved in the same precinct, the full cost compensation and mileage reimbursement of Precinct Official, Absentee Voting Board member, and ~~special purpose precinct workers~~ auxiliary Precinct Officials compensation and mileage reimbursement shall be divided equally among the entities involved in each precinct. However, if a school district election is held on the same date as a county election, the county shall assume the school district's share of Precinct Official, ~~special purpose precinct workers~~ auxiliary Precinct Official, and Absentee Voting Board member compensation and mileage.

**PART 9. DISTRIBUTION OF SUPPLIES AND BALLOTS**

**230:35-3-65. Notifying Inspectors and issuing supplies and ballots**

(a) At least ten days prior to an election, the Secretary shall notify each Inspector of the time and place that supplies and ballots will be issued to that Inspector. ~~The time shall be either on Friday, Saturday or Monday preceding the election. The Secretary also may schedule Inspectors to pick up supplies on Thursday preceding the election if Precinct Registries are printed by that time.~~

(b) On Thursday, Friday, Saturday or Monday preceding the election, the Secretary shall issue supplies and ballots for the election to each Inspector. Supplies may be issued on Thursday preceding the election only if Precinct Registries have been printed.

**230:35-3-68. Assembly line distribution of supplies to Inspectors**

Before the first Inspector arrives, an assembly line system shall be established for distributing the materials. The Secretary or clerical employees of the Board may be involved in distribution. In distributing the materials, the following procedure shall be observed:

(1) The Inspector shall receive the Precinct Check List and the election supply container.

The Inspector shall verify each item in the container, enter check marks in the appropriate

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column on the Precinct Check List and close and secure the container as instructed by the Secretary. The Inspector shall tell County Election Board if any item appears to be missing or in short supply.

(2) The Inspector shall receive the voting device prepared for the precinct. See 230:35-3-68.1.

(3) The Inspector shall receive the Precinct Registry or Registries.

(4) The Inspector shall receive the ballots in ballot transfer boxes. The Inspector shall verify the quantities and numbers of each type of ballot and shall enter check marks in the appropriate columns on the Precinct Check List. The Inspector shall replace the ballots in the ballot transfer box.

(5) If a Watcher is appointed for the precinct, the Secretary shall provide the Inspector with necessary materials and instructions.

(6) If a Pollster has been authorized to conduct an exit poll in the precinct, the Secretary shall provide the Inspector with all necessary information.

(7) The Secretary shall give the Inspector any specific instructions for the election.

(8) The Inspector shall sign the Precinct Check List in the appropriate space to indicate that the supplies have been verified and received.

(9) Assistance may be provided to the Inspector in transporting supplies and materials to his automobile.

### **230:35-3-68.1. Issuing voting devices and voting device materials**

(a) **Options for issuing voting device and ballot box.** The Secretary shall select one of the following options for issuing the voting device, ballot box and related materials for an election.

(1) The voting device and ballot box may be delivered directly to the polling place by an agent of the County Election Board prior to the day of the election. A secure place for the items must be available at the polling place. The Secretary will provide the location of the voting device inside the polling place and also shall ensure that the Inspector will be able to access the voting device and ballot box no later than 6:00 a.m. on election day.

(2) The voting device may be issued to the Inspector at the time supplies are issued and the ballot box may be delivered directly to the polling place by an agent of the County Election Board prior to election day. In some cases, the ballot box may be stored at the polling place between elections. If the ballot box is stored at the polling place, the Secretary shall inform the Inspector of its location and shall take steps to ensure that the Inspector has access to that location upon arrival at the polling place on election day.

(3) The voting device and the ballot box both may be issued to the Inspector at the same time that other election supplies and materials are issued.

(b) **Instructions for Inspector.** The Secretary shall provide the Inspector with all necessary instructions and information concerning the voting device and ballot box at the time other election supplies are issued.

(c) **Record of ballot box stored at precinct.** In the event that a ballot box is stored permanently at a polling place, the Secretary shall make a written record of the precinct number, the name, address and telephone number of the polling place, and the name of a person who can provide

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access to the stored ballot box at any time. A copy of the written record shall be made available to State Election Board personnel upon request.

### PART 17. DISPOSITION OF MATERIALS

#### **230:35-3-99. Disposing of Precinct Registries**

All Precinct Registries shall be retained for ~~60~~24 months following the date of the election. [26:7-117] Precinct Registries shall be available for public inspection during the County Election Board's regular office hours. See 230:10-7-45 for additional information about retaining Precinct Registries.

### PART 19. VERIFYING AND COUNTING PROVISIONAL BALLOTS

#### **230:35-3-133. Voter may learn of disposition of own provisional ballot**

(a) An individual voter who casts a provisional ballot shall be able to learn whether or not the provisional ballot was counted, and if it was not counted, the reason it was not counted by contacting the County Election Board office during regular business hours beginning on Monday following the election date following the election.

(b) In the event that a voter's provisional ballot is rejected because no information is found in MESA, following are some steps that may be taken to provide the voter with information concerning the cancellation of a former voter registration or the rejection of an application for voter registration.

(1) Check the Central File for the voter's original voter registration form.

(2) Check both the Cancellation File and the most recent Voter List Maintenance Purge Report for the voter's name. If any information is found concerning the voter's cancelled voter registration, indicate the date of and the reason for the cancellation in the appropriate space on the affidavit.

(3) Check the pending and rejected applications received after the registration deadline for the election. If the voter's application is located in either of these files, the voter is not registered.

(4) Include deleted voters in a MESA search for the voter's name.

(c) An individual voter who casts a provisional ballot may view the status of the provisional ballot in the Oklahoma Voter Portal on the State Election Board's website. Following most elections, the information about the provisional ballot will be available on the day after the election, but information that the ballot was or was not counted will not be available until 5 p.m. on Friday following election day, the status (counted or not counted) of all provisional ballots cast will become available to the voters who cast them. Provisional ballot information will be available in the Oklahoma Voter Portal for 30 days after the election following the election.

### SUBCHAPTER 5. INSTRUCTIONS FOR PRECINCT ~~ELECTION~~ OFFICIALS

#### PART 1. PRECINCT ~~ELECTION BOARD~~ OFFICIALS

#### **230:35-5-1. Purpose**

The rules in this Subchapter establish policies and procedures to be observed by Precinct

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Officials during elections. These rules detail the ~~organization of the Precinct Election Board, preparations for the election, conduct of duties and responsibilities of Precinct Officials on election day, including procedures for performing the duties of the Inspector, Judge, and Clerk during voting hours and the duties of the Inspector for the~~ return of election results and supplies to the County Election Board office ~~after the polls close on election night~~. The rules contained in this Subchapter are published for distribution to County Election Board personnel and Precinct Officials as the Election Day Reference and Problem Solver section of the Precinct Official Notebook. The Election Day Reference and Problem Solver is an essential part of Oklahoma's uniform statewide election system.

### **230:35-5-8. Authority of Inspector**

The Inspector ~~is the administrative officer of the Precinct Election Board and~~ is in charge of the operations of the polling place on election day. It is the Inspector's duty to receive election materials from the Secretary of the County Election Board and to ensure that the procedures contained in the Election Day Reference and Problem Solver section of the Precinct Official Notebook are followed correctly on election day. At times, the Inspector also may be responsible for relaying special instructions or new information from the County Election Board Secretary to the Judge and the Clerk.

## **PART 3. PREPARATIONS FOR ELECTION DAY**

### **230:35-5-16. Inspection of polling place**

The Inspector conducts an inspection of the polling place before picking up the supplies and ballots for the election. The purpose of the inspection is to find out what fixtures and furnishings are available for the Precinct ~~Election Board~~ Officials to use and also to locate and make arrangements to use the nearest telephone on election day. The Inspector must report any potential problems with the polling place to the County Election Board Secretary immediately upon discovering problems.

### **230:35-5-17. Receiving supplies and ballots**

(a) ~~Notification.~~ The Inspector picks up election supplies and ballots at the County Election Board office before election day. About ten days before the election, the County Election Board Secretary notifies the Inspector of the date, time, and place to receive supplies and ballots for the precinct.

(b) ~~Precinct Check List.~~ When picking up election supplies, the Inspector uses a Precinct Check List form to verify that all the supplies are included in the correct quantity. The Inspector places a check mark beside each item in the shaded column labeled "Insp."

(c) ~~Items received.~~ The Inspector receives these items.

(1) ~~Election supplies.~~ The Inspector receives the election supplies. The election supplies may be packed in a box, an envelope, a bag, a binder or other container. The election supplies include the Precinct Official Notebook, signs, envelopes, keys, ballpoint pens, and other items Precinct Officials need on election day.

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(2) **Precinct Registry.** The Inspector receives the Precinct Registry or Registries for the precinct. The Precinct Registry is a printed list of the names and addresses of all the registered voters in the precinct. The Precinct Registry is arranged in alphabetical order and separated by political affiliation for Primary and Runoff Primary Elections. For General Elections, the Precinct Registry is arranged in alphabetical order but it is not separated by political affiliation.

(3) **Keys.** The Inspector receives two keys the round ballot box key and the square voting device key. The round ballot box key unlocks both locks on the main compartment of the ballot box, the door of the emergency compartment of the ballot box and the rear door of the ballot box. The square voting device key unlocks both locks on the voting device case. The keys are together on a key ring and enclosed in the unsealed voting device key envelope.

(4) **Ballots.** The Inspector receives the ballots for the precinct. The precinct's ballots are listed on the Precinct Check List form. There may be only one ballot or several ballots depending on the type of election or elections being conducted on a particular date. Ballots are bound in books of 100 ballots. The Inspector must be sure that the ballot quantities listed on the Precinct Check List are included in the supplies.

(5) **Voting Device.** The Inspector receives the voting device that has been prepared for the precinct.

(d) **Inspector signs form.** After verifying that all items listed on the Precinct Check List are present in the correct quantities, the Inspector signs the form in the space provided at the bottom and returns the signed form to the Secretary. [26:7-103]

(e) **Inspector takes custody of supplies.** The Inspector takes the supplies, ballots, and voting device with him or her from the County Election Board office and keeps them in a safe place until election day.

### **230:35-5-17.1. Ballot box, voting booths, and signs**

The County Election Board ~~provides one ballot box, and shall provide~~ at least two voting booths for each precinct polling place. The County Election Board also may provide signs to designate the location of the door nearest the polling place within a large building and signs to designate parking areas or entrances that are accessible to the disabled. The County Election Board Secretary has several options for distributing ballot boxes, voting booths, and signs to precinct polling places. The Inspector receives specific instructions from the Secretary about the ballot box, voting booths, and signs when picking up election supplies and ballots.

## **PART 5. PREPARATIONS ON ELECTION DAY**

### **230:35-5-28. Preparation of polling place**

The Inspector, Judge, and Clerk meet at the polling place at 6:30 6:00 a.m. on election day. The Precinct Officials follow these steps to prepare for the election to open the polls. [26:7-105] Use the Opening the Polls Checklist, located in the Precinct Official Notebook, and perform each task listed to prepare the polling place to receive voters promptly at 7 a.m.

(1) Display the American flag either inside or outside the polling place as instructed by the

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County Election Board Secretary.

- (2) Open the election supplies container and remove the supplies as directed in the following steps.
- (3) Display the Oklahoma Election Procedures – Important Voter Information sign and the Election Law Violations sign outside the polling place so that voters can read the information before entering. Use ~~either thumbtacks or~~ tape to secure the sign to a door, window, wall, or other surface.
- (4) Post the Vote Here sign in a conspicuous place outside the polling place.
- (5) Display at least three copies of each sample ballot. Post one set of the sample ballots near the Oklahoma Election Procedures – Important Voter Information sign and the Election Law Violations sign.
- (6) Make sure that all the ink pens work.
- (7) Set up the voting booths so that you can tell whether more than one person is in a booth at any given time, but also so that voters may mark their ballots in secrecy.
- (8) Post one Attention Voter poster inside each voting booth. This poster may be attached permanently to some voting booths.
- (9) Set up table and chairs for Precinct Officials. Put the Precinct Official Notebook on the table.
- (10) Put some Oklahoma Voter Registration Application forms on the table at both the Inspector's position and the Judge's position. It is also a good idea to put some of the Oklahoma Voter Registration Application forms in a visible location away from the Precinct Officials' table, if possible.
- (11) Set aside the remaining supplies. They will be used after the polls close.

### **230:35-5-39. Violations of the law**

If ~~members of the Precinct Election Board~~ Officials observe an election law being violated, it would be proper for the Inspector to inform the violator that his action is against the law. However, under no circumstances shall the Precinct ~~Election Board~~ Officials be involved in enforcement of the violations. If violators persist in their actions, the Inspector immediately shall notify the Secretary of the County Election Board.

## **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-

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(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.

### **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~~ fold the discarded ballot in half, and attach it to the Inspector's Notes to Secretary sheet in the Forms section of the Precinct Official Notebook. Add a note to Inspector's Notes to Secretary of the time found and location of the ballot, and the appropriate ballot code.

~~(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. In the event that a voter inserts a ballot into the voting device and immediately leaves the voting enclosure, if the voting device rejects and returns the ballot for correction or replacement, follow the on-screen instruction to press the Cast Ballot button to accept the abandoned ballot unchanged.~~

(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.

### **230:35-5-60. ~~Registration Officials~~ Auxiliary Precinct Officials and their duties**

~~—A Registration Official may be assigned to a precinct on election day to help voters fill out voter registration application forms correctly. Voters for whom the "Confirm Address" or "Insufficient Address" message appears in the Precinct Registry and some provisional voters are asked to complete voter registration application forms at the precinct. If a Registration Official is~~

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~~assigned to the precinct, the Judge may refer such voters to the Registration Official to complete the application form. Registration Officials use the Voter Registration Application Checklist to review each voter's completed form to make certain it is complete and legible. If a voter does not have a street address, the Registration Official may need to use the precinct map to help a voter write adequate directions to the residence or to determine the legal description (section-township-range) of the residence. The Registration Official also must be certain that the voter has signed and dated the voter registration application form. A Registration Official may also serve simultaneously as a Provisional Voting Officer as outlined in 230:55-3-15. A Registration Official is not a member of the Precinct Election Board and is not authorized to perform any other duty ordinarily assigned to the Judge, Clerk, or Inspector.~~

An auxiliary Precinct Official may be assigned to a precinct polling place on election day either to serve as an Inspector, Judge, or Clerk or to perform other specific tasks assigned by the County Election Board Secretary to assist the Inspector, Judge and Clerk.

### **230:35-5-60.1. Voter may take photograph or digital image while in voting booth**

(a) A voter may take a digital image or a photograph of his or her own marked ballot while inside a voting booth within the election enclosure. [26:7-109] A voter may distribute or share the image of the voted ballot on social media as long as such distribution or sharing of the ballot image is done voluntarily after the voter leaves the election enclosure and in compliance with state or federal law. [26:7-109]

(b) A distributed, shared, or published image of a person's voted ballot may not be admitted in a court or any administrative hearing in this state as evidence or testimony of how the individual voter cast his or her ballot, whether or not said ballot was lawfully cast. [26:7-109]

(c) No other photograph may be taken by a voter while inside the election enclosure.