U.S. ELECTION ASSISTANCE COMMISSION

2016 Election Administration & Voting Survey

Statutory Overview

In order to better understand state laws governing Federal elections, the U.S. Election Assistance Commission, as part of its biennial Election Administration and Voting Survey, is collecting information on state election laws and procedures. These answers will help EAC to better understand the quantitative data relating to the 2016 general election that we are collecting from all U.S. states and territories.

EAC understands that responding to this Statutory Overview may require significant staff time on the part of your office. Please be assured that we have attempted to minimize the burden, and we appreciate your cooperation in this very important project.

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DIRECTIONS AND EXAMPLE

As appropriate, please provide your state's legal citation for the responses to the questions beginning on the following page.

Please answer each question to the best of your ability. If a term or concept is ambiguous, please explain why. If a question is not applicable to your state, please explain why. If a definition or term lacks statutory reference in your state but is widely used in practice, please explain. If election procedures vary at the local level within your state, please explain these variations to the best of your ability.

The Statutory Overview data collection document has two columns below each question.

- On the left, we have provided you with the answer your state provided for the 2014 Statutory Overview. If there has not been a change in your state's laws or legal citation in the response to a question, please mark the box labeled **No Change since 2014** at the top of the left column.

- If the response has changed since 2014 – or your state has not answered this question previously for some reason— please mark the box labeled **Changed since 2014** at the top of the right column and then provide the new answer in the text box provided. If your response is too long to fit in the box, please make a note in the text box and place your response in the "Notes" page at the end of the document. Additionally, if a law was repealed in full, please answer "repealed in full" in the box.

If any of your state laws are currently enjoined or otherwise blocked from enforcement by a state or federal court or by executive decision, please specify.

Example:

A1. How does your state define the following terms related to votes and ballots? Please provide your state's legal citation defining these terms, where applicable.

a) Over-vote

☒ **No Change since 2014** ☐ **Changed since 2014**

State code 1.11 - An attempt to vote for a larger number of candidates than is allowed.

b) Under-vote

☐ **No Change since 2014** ☒ **Changed since 2014**

This term has no legal definition.

State code 1.12 - An attempt to vote for a smaller number of candidates than is allowed.

SECTION A: GENERAL

A1. How does your state define the following terms related to votes and ballots? Please provide your state's legal citation defining these terms, where applicable.

a) Over-vote

☒ **No Change since 2014** ☐ **Changed since 2014**

2014 Response:

An over-vote occurs when a voter marks too many candidates for the same office or marks both "yes" and "no" for the same question. A race that is over-voted cannot be counted; however, the ballot may be counted for other races that are validly marked. (State Election Board rule, 230:45-5-19)

2016 Response:

b) Under-vote

☒ **No Change since 2014** ☐ **Changed since 2014**

2014 Response:

An under-vote occurs when a voter does not mark any candidates for an office or does not mark either option for a question. Failure to vote for a particular race does not invalidate valid markings for other races on the same ballot. (State Election Board rule, 230:45-5-19)

2016 Response:

c) Blank ballot

☒ **No Change since 2014** ☐ **Changed since 2014**

2014 Response:

A blank ballot is a ballot that has not been marked for any candidate or question or a ballot on which the voting device cannot detect any valid markings. (State Election Board rule, 230:45-5-19)

2016 Response:

d) Void/Spoiled ballot

☐ **No Change since 2014** ☒ **Changed since 2014**

2014 Response:

A spoiled ballot is a ballot that the voter marks incorrectly, a ballot that the voting device cannot read, or a ballot that is damaged by the voter or by the voting device. A voter who spoils a ballot returns it to the Precinct Officials. The Precinct Official destroys the ballot and issues the voter another ballot. The voter is required to sign an affidavit. (26 O.S. § 7-122) (State Election Board rule, 230:35-5-127)

2016 Response:

This was incorrectly reported in 2014.

A spoiled ballot is a ballot that the voter marks incorrectly or that is damaged or defaced by the voter. For example, if the voter marks the wrong candidate or makes a mark in a bar code on the ballot, the ballot would be considered spoiled. The voter returns the spoiled ballot to Precinct Officials. The Precinct Official destroys the ballot and issues a new ballot to the voter. The voter is required to sign an affidavit. (26 O.S. §7-122) (State Election Board rule 230:35-5-127)

e) Provisional/Challenged ballot

☒ **No Change since 2014** ☐ **Changed since 2014**

2014 Response:

Provisional ballots are issued for the following reasons: 1. A voter's name is not in the Precinct Registry. 2. A voter does not have one of the acceptable forms of identification. 3. A voter disputes the political affiliation shown in the Precinct Registry in a partisan primary election. 4. A voter disputes the school district or municipal assignment shown in the Precinct Registry in a school or municipal election. 5. A UOCAVA voter has been discharged, is on leave, or has returned from overseas within 90 days preceding an election. Provisional ballots from these UOCAVA voters are always counted. (26 O.S. § 7-116.1) (State Election Board rule, 230:35-5-171 to 5-175)

2016 Response:

f) Absentee

☒ **No Change since 2014** ☐ **Changed since 2014**

2014 Response:

The following categories of voters may vote by absentee ballot: 1. Any registered voter may request that an absentee ballot be sent by mail. 2. A voter in a nursing home or a veterans center may vote an absentee ballot that is delivered by a bipartisan absentee voting board. 3. A physically incapacitated voter or a voter caring for an incapacitated person may vote an absentee ballot sent by mail. 4. A voter who becomes incapacitated after 5 p.m. on the Tuesday before an election may vote an absentee ballot delivered by an agent. 5. Uniformed services and overseas voters may vote an absentee ballot sent by mail, electronically, or in some cases by fax. These voters must be eligible to be registered, but they do not have to be registered. 6. An emergency worker who is deployed to assist with a declared disaster or state of emergency within ten days of an election may apply in person for an absentee ballot. (26 O.S. § 14-101 et. seq.) (State Election Board rule, 230:30-1-1 et seq.) Note: State law was amended in 2009 to allow transmission of absentee ballots to UOCAVA voters by e-mail for state and federal elections. In 2014 the State Election Board installed an electronic ballot delivery system to better serve UOCAVA

2016 Response:

g) Early voting

☒ **No Change since 2014** ☐ **Changed since 2014**

2014 Response:

Early voting is called in-person absentee voting in Oklahoma. Any registered voter may vote by in-person absentee ballot at the County Election Board office on Thursday, Friday, or Saturday immediately preceding a state or federal election and on Thursday or Friday immediately preceding any other election. Voting hours are 8 a.m. to 6 p.m. on Thursday and Friday and 9 a.m. to 2 p.m. on Saturday. (26 O.S. § 14-115.4) (State Election Board rule, 230:30-7-1 et seq.)

2016 Response:

h) Active Voter

☒ **No Change since 2014** ☐ **Changed since 2014**

2014 Response:

An active voter is any registered voter who has not been designated as inactive as part of the list maintenance process. See the definition of an inactive voter. (26 O.S. § 4-120.2) (State Election Board rule, 230:15-11-26)

2016 Response:

i) Inactive Voter

☒ **No Change since 2014** ☐ **Changed since 2014**

2014 Response:

An inactive voter is a registered voter who does not respond to an address confirmation notice within 60 days after the notice is mailed. An inactive voter may be restored to active status by returning the confirmation notice, by voting in person or by absentee ballot, or by submitting an application for a change in voter registration. A voter whose status remains inactive for a period covered by two federal general elections will be removed from the rolls. (26 O.S. § 4-120.2) (State Election Board rule, 230:15-11-26 to 11-28)

2016 Response:

j) Other terms (please specify) _____

☒ **No Change since 2014** ☐ **Changed since 2014**

2014 Response:

2016 Response:

A2. Please provide the legal citation for any *significant* changes to election laws or procedures that have been enacted or adopted since the previous Federal election. "Significant" does not include routine or technical changes (such as changes to election district boundaries or polling place changes). However, EAC would like to learn about any new identification requirements for voters or registrants; changes in eligibility for voting or registering; adoption of alternative voting methods; and other changes that you believe represent a significant change in the way your state runs its elections.

☐ **No Change since 2014** ☐ **Changed since 2014**

2014 Response:	2016 Response:
See Appendix A	

SECTION B: VOTER REGISTRATION

B1. Is your state's voter registration database system best described as a bottom-up, a top-down, or a hybrid? (Note: A bottom-up system generally uploads information retained at the local level and compiled at regular intervals to form the statewide voter registration list. A top-down system is hosted on a single, central platform/mainframe and is generally maintained by the state with information supplied by local jurisdictions. A hybrid is some combination of both systems described above.)

☒ **No Change since 2014** ☐ **Changed since 2014**

2014 Response:

Oklahoma's voter registration database is probably best described as a hybrid system.

2016 Response:

If your state uses a bottom-up or hybrid system, how often do local jurisdictions transmit registration information to the state list?

☒ **No Change since 2014** ☐ **Changed since 2014**

2014 Response:

County data is transmitted daily to the state system.

2016 Response:

B2. Please describe the process used in your state to move voters from the active list to the inactive list, and from the inactive list to the active list. Is a different process used for UOCAVA voters?

☐ **No Change since 2014** ☒ **Changed since 2014**

2014 Response:

An address confirmation notice is mailed to voters for the following reasons: 1. The voter's record has been identified as a potential duplicate of another record within the state or in another state. 2. A first class mailing to the voter was returned undelivered by the postal service during the previous 24 months. 3. The voter has not voted in any election since the second previous federal general election. 4. The voter surrendered an Oklahoma driver license after receiving a driver license in another state during the preceding 24 months.
Confirmation notices are mailed no later than June 1 of odd-numbered years. Voters who do not respond to a confirmation notice within 60 days after the mailing are designated as inactive. The process is the same for UOCAVA voters as it is for other voters.
An inactive voter may be restored to active status by returning the confirmation notice, by voting in person or by absentee ballot, or by submitting an application for a change in voter registration. (26 O.S. § 4-120.2) (State Election

2016 Response:

The last sentence in the second paragraph from 2014 is incorrect.

UOCAVA voters with current FPCAs on file for absentee ballots are not included in the address confirmation process. Voters who may have registered to vote with an FPCA, but who no longer have an FPCA on file for absentee ballots, may be included in the address confirmation process if the mailing address provided is located inside the United States. Voters who may have registered with an FPCA but who no longer have an FPCA on file for absentee ballots are excluded from address confirmation process if the only mailing address available is outside the United States.

B3. Please describe your state's process for removing voters from the voter registration rolls (not merely moving them from active to inactive). Please include information regarding notices and confirmations. Are these procedures the same for UOCAVA voters?

☒ **No Change since 2014** ☐ **Changed since 2014**

2014 Response:

A voter whose status remains inactive for a period covered by two federal general elections after the confirmation mailing will be removed from the rolls. A voter who has died may be removed upon notice from the state Department of Health, the voter's next of kin, a nursing home administrator, a veterans center administrator, a funeral director, or the Oklahoma National Guard or the armed forces of the United States. A voter who has been convicted of a felony may be removed upon notice from the county court clerk or the United States attorney. A voter who has been adjudged incapacitated may be removed upon notice from the county court clerk. A voter who has registered to vote in another state or county may be removed upon notice from the new jurisdiction. A voter may also request to be removed from the rolls by submitting a written notice that is either notarized or witnessed by two persons. (26 O.S. § 4-120 et seq.) (State Election Board rule, 230:15-11-2 et seq. and 230:15-11-28)
The only notice is the confirmation mailing described in question B2 above. The process is the same for UOCAVA voters as it is for other voters.

2016 Response:

B4. Can your state's voter registration database (or equivalent) share information electronically with your state's driver's license agency (for example, to match records or trace changes in address)? Can your voter registration database be similarly linked with databases in any other state or Federal agencies? Please describe these links, including any use of database matching to verify voter registration applications.

☒ **No Change since 2014** ☐ **Changed since 2014**

2014 Response:

The State Election Board receives data from the Department of Public Safety on Oklahoma driver licenses that have been surrendered in other states. We also submit data to DPS for the matches of driver license number and Social Security number required by HAVA. We receive data from the Department of Health on deaths. All of these matches are performed electronically.

2016 Response:

B5. Please describe how your state uses National Change of Address (NCOA). What has been your state's experience with NCOA?

☐ **No Change since 2014** ☒ **Changed since 2014**

2014 Response:

Oklahoma does not use NCOA.

2016 Response:

In 2015, for the first time, the State Election Board used NCOA data in the address confirmation process. The mail service vendor used NCOA data to correct addresses that were improperly formatted and to provide forwarding addresses for voters who had initiated a postal change of address. We received data from USPS through the vendor on notices that were undeliverable as addressed and on notices that were forwarded to new addresses. This information was imported into the voter registration database by the State Election Board and processed to produce reports identifying voters whose address confirmation notices were returned undeliverable as addressed and voters whose notices were forwarded to new addresses.

In addition, a new law enacted in 2015 allows the State Election Board Secretary to use NCOA data for purposes other than the address confirmation notice process. State budget cuts, however, have delayed indefinitely any implementation of additional uses of NCOA data.

B6. Please describe your state's voting eligibility requirements as they relate to individuals with a felony conviction. (For example, are convicted felons allowed to vote while in prison or while on parole or probation? Are voting rights automatically restored or does the individual have to apply for a pardon, certificate of eligibility or other similar certificate? Does an individual whose voting rights have been restored have to produce documentation of his/her status when registering to vote?)

☒ **No Change since 2014** ☐ **Changed since 2014**

2014 Response:

A person convicted of a felony is not eligible to register to vote for a period of time equal to the time prescribed in the judgment and sentence. (26 O.S. § 4-101) This prohibition applies whether or not the person is incarcerated. Once the period of the sentence has expired, the person is eligible to register again. There is no requirement to apply for a pardon or restoration of rights. No documentation is required when the person is eligible to register again. He or she completes the same voter registration form as other voters, which includes an oath of eligibility.

2016 Response:

B7. Does your state currently use the Internet in any way to facilitate voter registration? If yes, please describe how your state allows voters to use the Internet in the registration process (e.g., entire registration completed online; completed online but then must be printed, signed, and mailed by voter, etc.).

☒ **No Change since 2014** ☐ **Changed since 2014**

2014 Response:

The voter registration application form is available on the State Election Board website. It can be completed online but then must be printed, signed, and mailed by the voter.

2016 Response:

New law was enacted in 2015 authorizing the State Election Board Secretary to develop and implement an on-line voter registration application system. We anticipate have the system developed, tested and implemented prior to the state Primary Election in June, 2018.

SECTION C: ELECTION ADMINISTRATION

C1. Please describe how all votes cast at a place other than the voter's precinct of registration are tabulated (for example, please include descriptions of such votes as absentee ballots, mail-in ballots, votes cast at vote centers, provisional ballots, early voting locations, etc.).

a. Are the votes counted centrally or at the precincts?

☒ **No Change since 2014** ☐ **Changed since 2014**

2014 Response:

All votes not cast at a precinct are counted centrally.

2016 Response:

b. If centrally tabulated, are the votes redirected to the appropriate precinct for reporting in the canvass?

☒ **No Change since 2014** ☐ **Changed since 2014**

2014 Response:

In the two largest counties, votes that are tabulated centrally are not redirected to the appropriate precinct. Each county has one or more "absentee precincts" that are used for reporting the results of absentee voting and early voting. The only exception is for provisional ballots, which are reported with the results of the precincts in which they were cast.
In all other counties (75 of the 77 counties), the results of absentee voting and early voting are reported with the results

2016 Response:

c. Are the absentee, mail, etc., votes reported separately for each precinct, or are they added to the in-precinct results and reported as just a single number?

☒ **No Change since 2014** ☐ **Changed since 2014**

2014 Response:

Absentee results and early voting results are reported separately for each precinct in 75 of the 77 counties. In the two largest counties, absentee results and early voting results are reported separately, but they are not redirected to the appropriate precincts.

2016 Response:

d. How are UOCAVA ballots counted and reported?

☒ **No Change since 2014** ☐ **Changed since 2014**

2014 Response:

UOCAVA ballots are counted and reported in the same manner as all other absentee ballots.

2016 Response:

C2. Does your state require a reason for voting absentee, or does your state allow no-excuse absentee voting? (If a reason is required, please provide the legal citation.)

☒ **No Change since 2014** ☐ **Changed since 2014**

2014 Response:

No reason is required for absentee voting.

2016 Response:

C3. Does your state provide for in-person early voting? If so, how is early voting defined? When early voting is used, are the ballots counted at the precinct or at a central location? How are these votes reported?

☒ **No Change since 2014** ☐ **Changed since 2014**

2014 Response:

Oklahoma does allow early voting, called in-person absentee voting. See the response to question A1g for the definition. Ballots are counted centrally and the results are reported as described above in the answers to questions C1b and C1c.

2016 Response:

C4. Do any jurisdictions in your state use a vote-by-mail system to replace (and not merely supplement) at-the-precinct voting in any elections?

☒ **No Change since 2014** ☐ **Changed since 2014**

2014 Response:

Oklahoma does not use vote-by-mail in any jurisdictions.

2016 Response:

C5. Please list each of the situations that require a provisional ballot in your state. Please provide the relevant legal citation for each situation.

☒ **No Change since 2014** ☐ **Changed since 2014**

2014 Response:

Provisional ballots are issued for the following reasons: 1. A voter's name is not in the Precinct Registry. 2. A voter does not have one of the acceptable forms of identification. 3. A voter disputes the political affiliation shown in the Precinct Registry in a partisan primary election. 4. A voter disputes the school district or municipal assignment shown in the Precinct Registry in a school or municipal election. 5. A UOCAVA voter has been discharged, is on leave, or has returned from overseas within 90 days before an election. Provisional ballots from these UOCAVA voters are always counted. (26 O.S. § 7-116.1)
(State Election Board rule, 230:35-5-171 to 5-175)

2016 Response:

C6. Does your state count provisional ballots of voters who are registered in different precincts, or are those ballots automatically rejected? Please describe the process used by local election officials in determining whether to count a provisional ballot.

☒ **No Change since 2014** ☐ **Changed since 2014**

2014 Response:

A provisional ballot is counted only if it was cast in the precinct of the voter's residence. In determining whether to count a provisional ballot, county election officials research their records to determine whether the voter is validly registered or attempted to register in the precinct where the vote was cast. This includes checking both electronic and paper records. It may also include researching the records of other offices where voter registration is conducted, such as motor license agencies and public service agencies. Information provided by the voter on the provisional ballot affidavit is used to investigate the voter's eligibility. For a voter who did not have required identification at the polling place, the ballot is counted if the name, date of birth, and driver license number or last four digits of the Social Security number provided on the provisional ballot affidavit match those on the official voter registration record. For voters who dispute their political affiliation or their school district or municipal assignment, the ballot is counted if county election officials find evidence that the voter was incorrectly assigned through an administrative error. In the case of UOCAVA voters who return within 90 days of an election, the provisional ballot is always counted if the voter indicated in the affidavit that he or she falls into this category. (26 O.S. § 7-116.1)
(State Election Board rule, 230:35-3-126 to 3-130)

2016 Response:

C7. Please describe your state's laws regarding post-election audits, if any. A post-election audit refers to hand-counting votes on paper records and comparing those counts to the corresponding vote counts originally reported, as a check on the accuracy of election results, and resolving discrepancies using accurate hand counts of the paper records as the benchmark.

If your state has post-election auditing, consider including in your response information such as the unit being audited (e.g., precincts, machines); the sampling method (e.g., fixed percentages); whether there is a specific trigger for the audit; the location of the random selection (e.g., state, county); and the races that can be audited.

☒ **No Change since 2014** ☐ **Changed since 2014**

2014 Response:

Oklahoma does not have post-election audits other than recounts requested by candidates.

2016 Response:

C8. Please describe any state requirements for poll worker training.

☒ **No Change since 2014** ☐ **Changed since 2014**

2014 Response:

State law requires that all poll workers receive training every two years. (26 O.S. § 3-111)
The State Election Board develops the training program and provides all training materials to the County Election Boards. All trainers must complete a train-the-trainer program conducted by the State Election Board. Both state and county personnel serve as trainers. With the installation of Oklahoma's new statewide voting system in 2011 and 2012, all poll workers received supplemental training on the new equipment in addition to the mandated biennial training.

2016 Response:

SECTION D: ELECTION DAY ACTIVITIES

D1. Please describe your state's process for capturing "over-vote" and "under-vote" counts.

☒ **No Change since 2014** ☐ **Changed since 2014**

2014 Response:

Oklahoma uses a statewide optical scan voting system. The precinct scanners tally overvotes and under-votes for each race and display them on the results tape. Totals, which include over-votes and under-votes, are then accumulated electronically at the county level and at the state level.

2016 Response:

D2. What identification does your state require from voters in the following situations:

a. registering to vote;

☒ **No Change since 2014** ☐ **Changed since 2014**

2014 Response:

Oklahoma does not require that voters present identification when registering to vote.

2016 Response:

b. casting an in-person ballot;

☒ **No Change since 2014** ☐ **Changed since 2014**

2014 Response:

All voters must present identification when voting in person. The identification must meet these requirements: 1) The name on the identification must substantially conform to the name on the precinct registry. 2) The document must include a photo of the voter. 3) The document must have an expiration date after the date of the election, unless the document is valid indefinitely or is issued by the armed forces of the United States. 4) The document must be issued by the state, the federal government, or a tribal government. There is an exception to these requirements: A voter identification card issued by the County Election Board may be used as identification even though it does not include a photo or an expiration date. (26 O.S. § 7-114 and 26 O.S. § 14-115.4) (State Election Board rule 230:30-7-11 and 230:35-5-55)

2016 Response:

c. casting a mail-in or absentee vote;

☒ **No Change since 2014** ☐ **Changed since 2014**

2014 Response:

Most absentee voters must have their ballot affidavits notarized. Absentee voters who are incapacitated or in a nursing home must have two witnesses sign their ballot affidavits. (26 O.S. § 14-108, 14-113.2, 14-115)

2016 Response:

d. casting a ballot under UOCAVA;

☒ **No Change since 2014** ☐ **Changed since 2014**

2014 Response:

No identification is required for UOCAVA voters. These voters must sign an affidavit. (26 O.S. § 14-120)

2016 Response:

e. any other stage in registration or voting process in which identification is required (please specify).

☒ **No Change since 2014** ☐ **Changed since 2014**

2014 Response:

None

2016 Response:

D3. Please describe your state's laws regarding access to the polling place for election observers. Election observers are people allowed inside the polling place who are not poll workers, election officials or voters. If decisions on access to observers are left to local jurisdictions, please explain.

☒ **No Change since 2014** ☐ **Changed since 2014**

2014 Response:

Any candidate or recognized political party may have a watcher at a polling place. Watchers may observe the voting device both before the polls are open and after the polls are closed, but they may not be present at the polling place at other times. Watchers may also observe voting device testing and accompany personnel who repair or maintain voting devices during the election. Watchers must be commissioned in writing by 5 p.m. on the Wednesday before the election. (26 O.S. § 7-130)
News reporters and photographers may enter a polling place for a period not to exceed five minutes. They may not interfere with the voting process, and they may not conduct polls within the voting area. All polls must be conducted at least 50 feet from the voting device.
(26 O.S. § 7-108 to 7-108.5 and 26 O.S. § 7-112)

2016 Response:

SECTION E: OTHER

E1. Under HAVA, Section 402, states are required to establish and maintain administrative complaint procedures to remedy grievances. Has your state revised its administrative complaint procedures since they were first implemented? If so, how?

☒ **No Change since 2014** ☐ **Changed since 2014**

2014 Response:

Oklahoma has not revised its administrative complaint procedures since they were first adopted.

2016 Response:

E2. Please add any additional comments or information about your state's election administration processes that would help to inform the EAC's interpretation of your data.

☐ **No Change since 2014** ☒ **Changed since 2014**

2014 Response:

2016 Response:

In 2015, law was amended to lower the signature requirements on petitions for formation of new political parties in Oklahoma. (26 O.S. §1-108); to limit the dates on which counties, school districts, municipalities, and other entities may hold elections to fill elective offices (26 O.S. §3-101); and to establish consistent time-frames for conducting candidate filing periods to ensure adequate time for election programming, testing, and ballot printing. (26 O.S. §3-101; 11 O.S. §16-102 and 16-114)

In 2016, law was amended to reduce from 10% to 2.5% the percentage of the total votes cast in a General Election for

* The information collection associated with the Election Administration and Voting Survey is required for the EAC to meet its statutory requirements under the Help America Vote Act (HAVA) of 2002 (42 U.S.C. 15301), the National Voter Registration Act (NVRA) (42 U.S.C. 1973gg-1 et seq.), and the Uniformed and Overseas Citizens Absentee Voters Act (UOCAVA) (42 U.S.C. 1973ff-1). Respondent's obligation to reply to this information collection is mandatory as required under NVRA (42 U.S.C. 1973gg-1 et seq.) and UOCAVA (42 U.S.C. 1973ff-1). This part of the information collection is being requested to help the EAC to better understand state laws governing Federal elections. Respondents include the fifty states, the District of Columbia, and the U.S. Territories. This information will be made publicly available on the EAC website (www.eac.gov). According to the Paperwork Reduction Act of 1995, an agency may not conduct or sponsor, and a person is not required to respond to, a collection of information unless it displays a valid OMB control number. The valid OMB control number for this information collection is OMB Control No. 3265-0006 (expires 04/30/2017). The time required to complete this information collection is estimated to average 59 hours per state response. This estimate includes the time for reviewing the instructions, gathering information, and completing the form. Comments regarding this burden estimate should be sent the U.S. Election Assistance Commission – 2014 Election Administration and Voting Survey, 1335 East West Highway, Suite 4300, Silver Spring MD, 20910.

NOTES – please place longer responses below

Appendix A – Oklahoma 2014 Responses

A2. In 2010, legislation was passed to provide that a confirmation notice is mailed to voters whose registration is identified as a potential duplicate of a registration record in another state. This change became effective January 1, 2011. (26 O.S. §4-120.2)

Other legislation passed in 2010 increased the penalties for election crimes and makes certain activities related to voting a crime. This legislation also became effective January 1, 2011. (26 O.S. §16-101, 16-102, 16-102.1, 16-102.2, 16-103, 16-103.1, 16-105, 16-110.)

A state question was approved by the voters on November 2, 2010 (State Question 746, Legislative Referendum 347). As a result, all voters are required to present identification at all elections. Voters who do not present identification will be allowed to vote by provisional ballot. The measure also allows UOCAVA voters who return home within 90 days before an election to vote by provisional ballot without being registered and to have the ballot counted. This measure became effective July 1, 2011. (26 O.S. § 7-114, 14-115.4, 14-121.)

In 2011, legislation was passed to bring Oklahoma into compliance with the federal MOVE Act. The Let the Troops Vote Act revised the state's election calendar to allow election officials time to meet the 45-day deadline for sending absentee ballots to UOCAVA voters. In addition, the Uniform Military and Overseas Voters Act incorporated the recommendations of the Uniform Law Commission into Oklahoma absentee voting law. Both these measures became effective November 1, 2011. (26 O.S. §1-102, 5-110, 14-136 et seq.)

In 2012, legislation was passed to require that local entities provide 75 days notice when calling an election on the same day as a state or federal election to allow election officials to meet the 45-day deadline for sending absentee ballots to UOCAVA voters. (26 O.S. §3-101, 13-102)

Other legislation passed in 2012 placed restrictions on the number of absentee ballots that may be notarized by a single notary public and required that the County Election Board notify the district attorney if a large number of absentee ballots are requested to be mailed to a single address. (26 O.S. §14-108.1)

A number of election-related bills became law in 2013. All of the following measures became effective on November 1, 2013.

 A document that is valid indefinitely may be used for identification in voting if it meets the other requirements in the law. An identification document issued by the armed services of the United States may be used for voter identification. (26 O.S. § 7-114)

 The law on voter identification was amended to clarify the procedure for issuing a provisional ballot to a voter who does not present identification and whose name or address does not match the voter registration record. (26 O.S. § 7-114)

 Candidates must disclose certain criminal history when filing a Declaration of Candidacy. (26 O.S. § 5-111)

 The Secretary of the State Election Board and the Adjutant General of the Oklahoma National Guard are required to develop and periodically update a plan for a major election emergency. (26 O.S. § 22-101)

 Any registered voter may request an absentee ballot electronically. (26 O.S. § 14-105 and § 14-110.1) Emergency workers who are deployed within ten days of an election to assist with a declared disaster or state of emergency can request and receive an absentee ballot in person. The voted ballot can be returned in person or by mail. (26 O.S. § 14-115.6)

 Counties with more than 100,000 registered voters may designate more than one location for early voting. The days for early voting before state and federal elections were changed from Friday, Saturday,

and Monday before the election to Thursday, Friday, and Saturday. The days for early voting before local elections were changed from Friday and Monday before the election to Thursday and Friday. The hours of early voting on Saturday were changed from 8 a.m. to 1 p.m. to 9 a.m. to 2 p.m. (26 O.S. § 14-115.4)

 With the approval of the Secretary of the State Election Board, County Election Boards may begin the process of reviewing absentee ballot affidavits earlier than the Thursday preceding the election, and they may begin counting absentee ballots before election day. As the law required prior to this change, no results may be obtained until after 7 p.m. on election day. (26 O.S. § 14-123 and § 14-125)

In 2014, legislation was passed to change the procedure in the event of the death of the nominee of a political party. Currently a political party may designate a substitute nominee until 55 days prior to the General Election. The legislation changes that deadline to the Friday following the Runoff Primary Election. This measure will become effective January 1, 2015. (26 O.S. § 1-105)

In addition to these legislative changes, in 2013 the State Election Board evaluated proposals and awarded a contract for an electronic ballot delivery system for UOCAVA voters. This system, the Oklahoma Military and Overseas Ballots Online System (OMOBOS), replaces the system used since 2010 to provide ballots to UOCAVA voters by e-mail. It was used in one county in April, 2014, and in all counties beginning with the statewide Primary Election on June 24, 2014. UOCAVA voters can either mark the ballot online and then print it, or they can print a blank ballot and mark it by hand. Voted ballots must be returned either by mail or by fax. Oklahoma law does not allow electronic return of voted ballots. As part of this project, the vendor also provided an online voter tool that is on the State Election Board website and is available to all voters, not just UOCAVA voters. This tool allows voters to verify their voter registration and their polling place, track their absentee ballots if they have a request on file, and view and print sample ballots a few weeks before an election.