

**TITLE 230. STATE ELECTION BOARD
CHAPTER 30. ABSENTEE VOTING**

RULEMAKING ACTION:

Notice of proposed PERMANENT rulemaking

PROPOSED RULES:

Subchapter 5. Applications for Absentee Ballots [AMENDED]

SUMMARY:

The Secretary of the State Election Board proposes a new Section in Subchapter 5 of Chapter 30 to address online absentee ballot application tools.

Online absentee ballot application tools operated by private entities proliferated during the 2014 election cycle, and the State Election Board staff fielded many questions, complaints, and concerns about these application sources. Anecdotal reports indicate that some operators of such online application tools may have delayed transmitting the applications to appropriate election officials in time to meet deadlines and may not have transmitted all such applications produced by their online tool if the applications were deemed incomplete or invalid. Voters, of course, believed they had submitted valid applications in a timely and secure manner and complained to election officials upon discovery that their applications either were never received or were received too late to be processed and for ballots to be issued.

Therefore, the Secretary plans to provide a secure, online absentee ballot application tool, accessible from the State Election Board website by any registered voter, that will enable voters to complete and submit timely and valid applications for absentee ballots and that also ensures such applications are received and processed by the appropriate County Election Boards. Any candidate, political organization, advocacy group, or other entity interested in encouraging voter participation through absentee voting may link to the State Election Board's online absentee application tool.

AUTHORITY:

Title 26 O.S. Supp. 2014, Section 2-107. Secretary of the State Election Board has general rulemaking authority.

Title 26 O.S. Supp. 2014, Sections 14-105, 14-110.1, and 14-139 authorize the Secretary to designate appropriate electronic methods for submission of applications for absentee ballots.

COMMENT PERIOD:

Written comments will be accepted until the conclusion of the public hearing on March 20, 2015. Written comments may be delivered to the State Election Board office or may be mailed. Comments also may be presented orally during the hearing. Mailing Address: State Election Board, P. O. Box 53156, Oklahoma City, OK 73152. Physical Address: Room B6, State Capitol Building, 2300 N. Lincoln Blvd., Oklahoma City. Email Address: suzanne.cox@elections.ok.gov or info@elections.ok.gov.

PUBLIC HEARING:

A public hearing will be held March 20, 2015, at 10 a.m. in the office of the State Election Board, Room B6, State Capitol Building, Oklahoma City.

REQUESTS FOR COMMENTS FROM BUSINESS ENTITIES:

n/a

COPIES OF PROPOSED RULES:

Copies of the proposed amendments are available in the office of the State Election Board, Room B6, State Capitol Building, Oklahoma City.

RULE IMPACT STATEMENT:

A rule impact statement will be prepared and will be available in the State Election Board office on and after March 4, 2015.

CONTACT PERSON:

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ADDITIONAL INFORMATION:

n/a

CHAPTER 30. ABSENTEE VOTING
SUBCHAPTER 5. APPLICATIONS FOR ABSENTEE BALLOTS

230:30-5-13. Application for absentee ballots may be submitted electronically

(a) Any registered voter may apply for absentee ballots for any election for which he or she is eligible and may submit the application to the County Election Board in the county of his or her residence by United States mail, by electronic mail, by fax, or by other means of electronic communication designated by the Secretary of the State Election Board as provided by Title 26 O.S 2014 Supp., Section 14-105.

(b) The Secretary of the State Election Board may establish an online absentee ballot application tool for the purpose of applying for and submitting applications for absentee ballots. Such an online application tool shall meet the following criteria.

(1) The online absentee ballot application tool shall require the applicant to provide the following information, which is necessary to confirm an applicant's status as a registered voter and to determine that the voter is eligible to receive ballots for a specific election, and to determine where the absentee ballots should be sent.

(A) Voter's name

(B) Date of birth

(C) Address of voter registration

(D) Address ballots should be mailed to

(E) Other information deemed necessary by the Secretary

(2) The application tool should allow an applicant to specify, if applicable, that he or she is physically incapacitated or confined to a nursing home.

(3) The application tool should allow an applicant to specify, if applicable, that he or she is a member of one of the uniformed services of the United States or an overseas citizen and therefore covered by the federal Uniformed and Overseas Citizens Absentee Voting Act (UOCAVA).

(4) The online absentee ballot application tool should prepare a letter or form containing all the required information and specifications named in (1) through (3) of this subsection.

(5) The online absentee ballot application tool shall allow the applicant to print, sign, and mail, email, fax, or personally deliver the application to the State Election Board or to the appropriate County Election Board.

(6) The online absentee ballot application tool may allow the applicant to sign the application and submit it electronically. The completed application must be transmitted directly to the State Election Board or to the appropriate County Election Board by mail, email, or fax.

(7) The online absentee ballot application tool shall display the statutory deadline for absentee applications preceding an election. The application tool must clearly state that the application must be received at the State Election Board or the appropriate County Election Board by the statutory deadline for an election in order for it to be processed and ballots issued for that election.

(8) Other criteria deemed necessary by the Secretary to ensure security, privacy of voter

information, or to prevent fraudulent use.

(c) Any organization, entity, or individual interested in promoting voter participation through absentee voting will be able link to the online absentee ballot application tool on the State Election Board's website.