

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:

"**Federal election**" means an election involving federal offices held on the last Tuesday in ~~July~~ June; the fourth Tuesday in August; and the first Tuesday after the first Monday in November in even-numbered years; the first Tuesday in ~~February~~ March of an even-numbered year in which the President and Vice President of the United States are to be elected; and the date of a special election called at any other time to fill a vacancy in the office of United States Senator or United States Representative.

"**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. BEFORE THE FILING PERIOD

230:35-3-2. Orders for election supplies required by May 1 [REVOKED]

~~The Secretary of the County Election Board shall conduct a thorough inventory of all election supplies and shall order additional supplies, if needed, from the State Election Board no later than May 1 in even-numbered years.~~

230:35-3-2.1. Election supplies provided by the State Election Board

The State Election Board prints and/or purchases supplies for conducting elections and distributes them to the County Election Boards. The State Election Board staff, with the assistance of County Election Board personnel, conducts an inventory review of all election supplies during odd-numbered years. The State Election Board staff determines the quantity of election supplies needed by each county for a two-year election cycle and ships those supplies prior to the first regularly scheduled statewide election in even-numbered years. In the event that an unusually large number of special elections depletes the county's election supply inventory, additional supplies may be ordered from the State Election Board as needed.

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.

(1) **Publications. ~~Precinct Official Notebook.~~** ~~One each of the following publications shall be included in the election supplies for each precinct.~~

~~—— (A) THE MANUAL FOR PRECINCT ELECTION OFFICIALS~~

~~—— (B) PRECINCT PROBLEM SOLVER~~

~~—— (C) VOTING DEVICE HANDBOOK FOR PRECINCT OFFICIALS~~ One Precinct Official Notebook containing The Manual for Precinct Election Officials, the Precinct Problem Solver, the eScan Election Day Desk Reference, and forms needed by Precinct Officials on election day.

(2) **Forms and handouts.** ~~The~~ In addition to the forms contained inside the Precinct Official Notebook, the following 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.

(A) Address Information Requested handouts

(B) ATI Session Log form

(C) Attention All Voters – Proof of Identity Required to Vote sign

(D) Attention Judge notice for proof of identity

(E) Ballot Accounting Form

~~(C) FORMS FOR USE BY PRECINCT ELECTION OFFICIALS booklet~~

~~—— (D) (F) Closing the Polls checklist~~

(G) Oklahoma Voter Registration Application forms

~~(E) (H) Procedure for Watchers~~

~~(F) (I) Secrecy folders~~

~~(G) Voting Device Report~~

~~(H) (J) List of ballot codes~~

~~(I) (K) Opening the Polls checklist~~

~~(J) Closing the Polls checklist~~

~~(K) (L) Packing Supplies checklist~~

~~(L) (M) Provisional Ballot Refusal form~~

(N) Voter Registration Application checklist

(O) Voting Device Report form

(3) **Envelopes.** One of each of the following envelopes shall be included in the election supplies for each precinct.

(A) Envelope for Totals ~~Printout~~ Tally Report

(B) Green envelope for mailing ~~Totals Printout~~ Tally Report to State Election Board (statewide elections only)

(C) Precinct Expense Claim Envelope

(D) Voting Device Key Envelope (and key chain with keys)

(4) **Signs and Maps.** The following signs and maps shall be included in the election

supplies for each precinct.

- (A) One Attention Voter poster for each voting booth in the precinct
- (B) One Oklahoma Election Procedures – Important Voter Information sign (English)
- (C) ~~One Oklahoma Election Procedures – Important Voter Information sign (Spanish)~~

- ~~(D) One Election Law Violations sign~~
- (E) One Vote Here sign
- (F) One Voter Eligibility – Municipal Elections
- (G) One Voter Eligibility – School Elections
- (H) Precinct Map – municipality
- (I) Precinct Map – school districts
- (J) Precinct Map – other entity

(5) **Other Supplies.** The following additional supplies shall be included in the election supplies for each precinct.

- (A) American flag
- (B) ~~Twenty ballot marking pens~~ Thirty black ballpoint pens
- (C) ~~Twenty ink pens~~

- ~~(D) One long white State Election Board seal for each ballot transfer box required for the precinct~~
- ~~(E) Official Exit Poll stickers, as needed~~
- ~~(F) Two plastic seals for ballot box sides~~
- (G) Paper clips
- (H) Magnifier
- (I) Memory pack bag
- (J) Rubber bands
- (K) Scissors
- (L) Tape
- (M) Thumbtacks

(6) **Provisional voting supplies.** The following provisional voting supplies shall be included in the election supplies for each precinct.

- (A) Checklist for Provisional Voting Officer
- (B) Provisional Voting Information handouts
- (C) ~~Identification Required information sheet~~
- ~~(D) Provisional Ballot Voucher forms~~
- ~~(E) (D) Oklahoma Provisional Ballot Affidavit envelopes~~
- ~~(F) (E) Provisional Ballot Rosters~~
- ~~(G) (F) Orange Provisional Ballot Bag~~
- ~~(H) (G) Blue plastic seal for provisional ballot bag~~

(7) **Precinct Registry, Voting Device, and ballots.** The Precinct Registry, voting device, and ballots are issued to the Inspector along with the election supplies for each precinct. See 230:35-3-6, 230:35-3-7, 230:35-3-57, and 230:35-3-68.1.

230:35-3-6. Ballot quantity reports [REVOKED]

The Secretary shall cause the Ballot Quantity Listing by Style report and the Ballot Quantities by Precinct report to be prepared and printed. The two reports shall be printed at the time ballot

~~specifications are transmitted to the printer and retained with precinct supplies for the election. When ballots are received from the printer or from the State Election Board, the information contained in these reports shall be used to assign ballots to precincts.~~

230:35-3-7. Ballot numbers on Precinct Check List [REVOKED]

~~The ballot numbers that are assigned to each precinct shall be entered by the Secretary on the appropriate Precinct Check List for each precinct in the appropriate space.~~

PART 3. BALLOTS

230:35-3-17. Ballots to be examined

It shall be the duty of the Secretary of the County Election Board to examine each group of ballots immediately upon receipt from the printer or from the State Election Board. Any errors or shortages that are detected shall be reported immediately to the printer ~~or~~ and to the State Election Board as appropriate.

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

After examining the state ballots, the Secretary shall place the ballots in numerical sequence. The Secretary then shall ~~refer to the Ballot Quantities by Precinct report to~~ assign ballots to the appropriate precincts in the appropriate quantities. The ballots shall be placed inside the appropriate ballot transfer box. The ballot transfer box shall not be sealed.

230:35-3-20. County Election Board certifies names [REVOKED]

~~During the week following the filing period, the County Election Board will certify to the State Election Board the names of candidates who have filed for office in the county. In the event a contest develops for one or more of these candidacies, such contest will be noted on the certification, and a final certification will be made upon resolution of the contest.~~

PART 5. PRECINCT OFFICIAL PAYROLL

230:35-3-31.1. Secretary shall determine mileage for Precinct Officials

(a) The Inspector shall be reimbursed for mileage for two round trips from home to the County Election Board office to receive and return election supplies and materials. ~~Mileage is reimbursed at the rate currently allowed by the Internal Revenue Service for a business expense deduction.~~ The Secretary shall determine the total number of miles traveled by all Inspectors and shall include the appropriate amount number of miles in the Pre-Election Expense Claim for the election.

(b) A Precinct Official or special-purpose precinct worker assigned to work at a polling place

located ten miles or more from his or her home may be reimbursed for mileage on election day. The Secretary shall determine whether the polling place to which the Precinct Official is assigned is located ten miles or more from the Precinct Official's home. The Secretary may consider not only the straight-line distance between the assigned polling place and the Precinct Official's home but also the distance along the most reasonable route likely to be traveled by the Precinct Official to reach the assigned polling place.

(c) If the Secretary determines that a Precinct Official or special-purpose precinct worker is entitled to receive mileage as outlined in (b), the ~~mileage shall be reimbursed at the rate currently allowed by the Internal Revenue Service for a business expense deduction.~~ The amount of such mileage reimbursement shall be included on the Pre-Election Expense Claim if a reasonable estimate of the amount can be made when the claim is prepared. Otherwise, it shall be included as an item on the Record of Expense following the election.

(1) The Inspector assigned to work at a polling place located ten miles or more from his or her home shall receive mileage reimbursement for a one-way trip from home to the polling place on election day. This shall be in addition to the mileage reimbursement specified in (a) of this Section.

(2) The Judge, Clerk, or special-purpose precinct worker shall receive mileage reimbursement for a round trip from home to the polling place on election day.

(d) The State Election Board shall maintain the mileage rate in MESA in order to calculate the correct amount of mileage reimbursement for each Precinct Official entitled to receive it as outlined in this Section.

230:35-3-33. Funds for Precinct Official compensation

(a) **Funds to be submitted to County Election Board.** Not less than 15 days before the election, the entity authorizing an election shall submit funds equal to the estimated amount of compensation for Precinct Officials, special-purpose precinct workers, and Absentee Voting Board members to the County Election Board Secretary. [26:3-105.1(B)] If the entity fails to submit the funds, the Secretary shall notify the State Election Board by telephone. The telephone call shall be followed by ~~a letter~~ written notice to the State Election Board verifying that the funds have not been received. No further action shall be taken until directed by the State Election Board.

(b) **Deposit funds in Special Depository Account.** Upon receipt of the funds, the Secretary shall deposit them in the County Election Board Special Depository Account. [26:3-105.1(B)]

230:35-3-41. Itemized claim for election expenses

As soon as possible following the election, the Secretary shall submit an itemized claim for all election expenses to the entity for which the election was conducted. The itemized claim shall be prepared in ~~ΘEMS~~ MESA and shall show the amount prepaid by the entity for Precinct Official, special-purpose precinct worker, and Absentee Voting Board member compensation deducted from the total amount of election expenses. [26:3-105.1(D)] The appropriate Record of Expense report in ~~ΘEMS~~ MESA shall be used for all authorizing entities.

230:35-3-49. Audit of the Special Depository Account

Due to the volume of activity in the County Election Board Special Depository Account, this account will be inspected by the State Election Board and audited by the office of the State Auditor and Inspector on a periodic basis. The Secretary shall maintain a record in ~~OEMS~~ MESA of all deposits to the account and all vouchers issued from the account.

PART 9. DISTRIBUTING SUPPLIES AND BALLOTS

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 column on the Precinct Check List and close and secure the container as instructed by the Secretary.

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

~~(2)~~(3) The Inspector shall receive the Precinct Registry or Registries.

~~(3)~~(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.

~~(4)~~(5) If a Watcher is appointed for the precinct, the Secretary shall provide the Inspector with necessary materials and instructions.

~~(5)~~(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.

~~(6)~~(7) The Secretary shall give the Inspector any specific instructions for the election.

~~(7)~~(8) The Inspector shall sign the Precinct Check List in the appropriate space.

~~(8)~~(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. ~~The voting device shall be locked inside the ballot box.~~ A secure place for the items must be available at the polling place.

(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.

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 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.

230:35-3-68.2. Special ballot box preparation instructions when heavy voter turnout is anticipated

(a) The ballot box may become too full in some precincts on election days when more than ~~one~~ ~~three-column~~ seventeen-inch ballot is being issued and voter turnout is heavy. The voting device may jam if more than ~~1500~~ 3000 ballots are in the ballot box. The Secretary of the County Election Board shall be prepared to implement the procedure outlined in (b) of this Section when the following circumstances converge.

(1) Voters in a precinct will receive more than one ~~three-column~~ seventeen-inch ballot.

(2) The number of registered voters in a precinct is large and/or heavy voter turnout is expected.

(b) When the circumstances outlined in (a) of this Section exist, the Secretary of the County Election Board shall take the following steps.

(1) Determine the precincts in which it is likely that the ballot box will become too full.

(2) Prepare copies of the Notice to Precinct Officials handout containing instructions for inserting only one divider inside the ballot box. Include a copy of the Notice to Precinct Officials handout in the supplies for the affected precincts and discuss the instructions with the Inspectors when supplies are distributed.

(3) ~~Include extra plastic seals for the ballot box in the supplies for these precincts.~~

~~(4) Instruct the Inspector to call the County Election Board office when the public counter on the front of the voting devices indicates~~ voting device console screen indicates that ~~1500~~ 3000 ballots have been inserted.

(5) Give the following instructions when the Inspector calls.

(A) Stop the voting process briefly. The Inspector shall perform the following tasks while the Judge and Clerk observe.

~~(B) Remove the voting device from the top of the ballot box. Do not unplug the voting device from the electrical outlet.~~ Use the round key to unlock both locks on the main ballot box door and lift it open. Secure the door open iwth the bungee cord hidden under the top rim of the ballot box.

(C) ~~Break the plastic seals on the ballot box and unlock and open it.~~

(D) Remove all the voted ballots from the main compartment and put them in ballot transfer cases. Do not attempt to move or tilt the ballot box with the voting device

still seated on top.

(E) Seal each ballot transfer case with a long white State Election Board seal.

(F) The Inspector, Judge, and Clerk all must sign the long white State Election Board seal on each ballot transfer case.

(G) Put the sealed ballot transfer cases in a secure location where only the Precinct Officials have access to them.

(H) Close the main ballot box door and lock it both locks with the round key. Seal it with new plastic seals. Put the voting device back in place on top of the ballot box.

(I) Resume the voting process.

230:35-3-69. Appointment of Watchers [REVOKED]

~~(a) Any candidate or any recognized political party is entitled to have a Watcher present at any place where an official count is being conducted. [26:7-130] The Watcher must be commissioned in writing by the candidate or by the county chairman of the political party. [26:7-130] The commission must be filed with the Secretary of the County Election Board no later than 5 p.m. on Wednesday preceding the election. [26:7-130] When a Watcher is commissioned for a precinct, the Secretary shall provide the Inspector with a Procedure for Watchers sheet at the time the Inspector receives his supplies for the election.~~

~~(b) A Watcher may be commissioned to observe voting device testing prior to an election. A Watcher may be commissioned to accompany County Election Board personnel assigned to repair or to maintain voting devices during the hours of voting on election day. Watchers commissioned to observe voting device testing or repair shall be commissioned as outlined in (a) of this Section. Watchers commissioned to observe voting device testing or repair shall be limited to observing the testing or repair procedures and to making a written record of the procedures they have observed. Watchers commissioned to observe voting device testing or repairs shall be placed under oath by the County Election Board Secretary. The Secretary shall recite the following oath: "Do you solemnly swear or affirm that you will abide by all laws and rules prescribed for Watchers and that you will limit yourself to observing the voting device during testing or during the repair procedure?"~~

~~(c) A Watcher shall be confined on election day to observing the voting device before the polls are opened and after the polls are closed, or to observing the voting device during repair procedures, and shall not be present at the polling place at other times during election day.~~

~~(d) Any Watcher who violates the law prescribed for Watchers shall be deemed guilty of a misdemeanor. [26:7-130] Any person deemed guilty of a misdemeanor under the provisions of state election law shall, upon conviction, be confined to the county jail for not more than one year or fined not more than \$10,000.00 or both. [26:16-110]~~

230:35-3-70. Pollsters [REVOKED]

~~(a) Any person desiring to conduct an exit poll within 300 feet of any ballot box shall notify the Secretary of the County Election Board of his intention to do so no later than 5 p.m. on the Wednesday preceding the election. [26:7-108.1] A Pollster conducting an exit poll shall display identification provided by the Secretary of the County Election Board at all times while conducting the poll. [26:7-108.2] When a Pollster is authorized for a precinct, the Secretary~~

shall inform the Inspector of the precinct at the time the Inspector receives his supplies for the election:

~~(b) A Pollster who violates the law prescribed for Pollsters shall be deemed guilty of a misdemeanor. [26:7-108.3] Any person deemed guilty of a misdemeanor under provisions of state election law shall, upon conviction, be confined to the county jail for not more than one year or fined not more than \$10,000.00 or both. [26:16-110]~~

230:35-3-71. Voting device not issued to precinct polling place

(a) The Secretary of the County Election Board shall have the authority not to issue a voting device to a precinct polling place on election day only when all of the following circumstances exist.

(1) Only one entity is holding an election in the precinct.

(2) Voter registration records indicate that there are no registered voters assigned to the entity in the precinct.

(3) The County Election Board Secretary and entity officials believe that no one resides within the entity's boundaries in the precinct.

(4) The entity has not exercised its option to close the precinct for the election.

(b) The Precinct Election Board shall be assigned to the precinct polling place on election day. The Inspector shall receive appropriate precinct supplies, which shall include ballots, a Ballot Accounting Form, provisional voting supplies, and a copy of the special instructions for Precinct Officials outlined in (f) of this section. A voting device shall not be issued for the precinct.

(c) In the event that a voter appears at the polling place on election day and claims to be eligible to vote in the election being held, Precinct Officials shall issue a provisional ballot to the voter according to the procedure outlined in 230:35-5-177.

(d) At 7 p.m., the Inspector shall indicate the number of provisional ballots, if any, cast on each copy of the Provisional Ballots Cast sheet included in the precinct supplies. The Precinct Officials each shall sign the copies. The copies shall be distributed as follows.

(1) One copy shall be posted on the polling place door.

(2) One copy shall be placed inside the ballot transfer box.

(3) One copy shall be placed inside the clear plastic sleeve on the orange Provisional Ballot Bag.

(e) At the County Election Board office on election night, in the presence of the other County Election Board members, the Secretary shall observe the following procedure. These tasks may be completed prior to 7 p.m.

~~(1) Insert the memory pack for the precinct in~~ Prepare a voting device for the precinct to which a voting device was not issued, open the polls on that voting device, and print the zero printout as outlined in 230:35-5-75.1. Zero Report, and then close the polls on the voting device and print the Detail Report and the Tally Report.

~~(2) After the zero printout prints, insert one blank ballot for the precinct in the voting device. The voting device will return the blank ballot and will print the "un-voted blank ballot!" message.~~

~~(3) Do not remove the blank ballot from the voting device. Press the override key to accept the blank ballot.~~

~~(4) Follow the procedure outlined in 230:35-5-75.1 to close the polls and obtain the Totals~~

~~Printout. The Totals Printout will show zero votes for all candidates and one undervote (the blank ballot).~~

~~(5) Tear off the Totals Printout voting device tape, which includes the zero printout Zero Report, off the voting device, the Detail Report, and the Tally Report. The Secretary and the other two Board members shall sign the Totals Printout Tally Report in the spaces indicated for the Inspector, Judge, and Clerk. Set the this original Totals Printout voting device tape aside in a secure place. Print at least two additional copies of the Totals Printout of the Detail Report and the Tally Report to make available for public inspection after 7 p.m. and to enclose in the ballot transfer case.~~

~~(6) Indicate on the Ballot Accounting Form for the precinct that one blank ballot from the reserve stock was processed through the voting device. Remove the MBB from the voting device. See 230:35-3-85.3. Give the MBB to the tabulation computer operator to be read and tabulated with other MBBs after 7 p.m.~~

~~(f) The following special Provide the following instructions shall be provided to the to Precinct Officials for use on election day when a voting device is not issued to a precinct polling place.~~

~~(1) Although the polling place must be open for today's election, County Election Board records indicate that there are no voters in this precinct eligible to participate in the election. Therefore, a voting device has not been issued for this polling place.~~

~~(2) In the event that a voter appears and claims to be eligible to vote in the election today, Precinct Officials shall issue a provisional ballot to the voter following the provisional voting procedure in 230:35-5-177. Indicate either that the voter's name does not appear in the Precinct Registry or that the voter disputes the school district, technology center district, or municipal assignment indicated in the Precinct Registry.~~

~~(3) At 7 p.m., the Inspector shall indicate the number of provisional ballots cast on each copy of the Provisional Ballots Cast sheet included in the precinct supplies. The Precinct Officials each shall sign all the copies. The copies shall be distributed as follows:~~

~~(A) One copy shall be posted on the polling place door.~~

~~(B) One copy shall be placed inside the ballot transfer box.~~

~~(C) One copy shall be placed inside the clear plastic sleeve on the orange Provisional Ballot Bag.~~

~~(4) If a provisional ballot is cast, follow the instructions in 230:35-5-75.3(g) to secure the orange Provisional Ballot Bag for return to the County Election Board office.~~

~~(5) Complete the Ballot Accounting Form and pack the ballots as outlined in 230:35-5-75.3. Pack all remaining supplies as outlined in 230:35-5-76.~~

PART 11. ELECTION DAY

230:35-3-75. Precinct procedures in ~~MANUAL~~ The Manual for Precinct Election Officials section of Precinct Official Notebook

Procedures for conduct of elections at the precinct level are contained in The Manual for Precinct Election Officials section of the Precinct Official Notebook (Subchapter 5 of this Chapter). Every Inspector, Judge and Clerk is required to observe these procedures.

230:35-3-76. Familiarity with procedure necessary

The Secretary and Assistant Secretary or Chief Clerk of the County Election Board shall be thoroughly familiar with the procedures outlined in The Manual for Precinct Election Officials section of the Precinct Official Notebook (Subchapter 5 of this Chapter).

PART 13. AFTER THE POLLS CLOSE

230:35-3-83. Smooth flow of returns necessary

Prior to the election, the County Election Board shall make plans for canvassing returns on election night. The Secretary shall consult with representatives of the news media to discuss their needs for election night. In making plans, access to the official ~~Totals Printout~~ Tally Report from each precinct shall be limited to members and employees of the County Election Board.

230:35-3-84. Assembly line required for receiving returns and materials from Inspectors

Before the first Inspector arrives, an assembly line shall be established for receiving the returns. The Chairman and Vice Chairman of the County Election Board, the Secretary or ~~clerical~~ employees of the Board may be involved in reception of voting devices, election supplies, and ballot transfer cases from Inspectors. When receiving returns, the following procedure shall be observed:

- (1) Representatives of the news media shall be assigned to a separate office or area. ~~If the County Election Board has more than one OEMS terminal, one terminal may be placed in a public area to display precinct results as they are accumulated. If available, a computer shall be placed in the media area to display the county's election results web page. This web page must be manually refreshed periodically to show current results.~~
- (2) Appropriate receptacles shall be prepared and arranged for receiving items from Inspectors.
- (3) Inspectors shall form a line as they arrive, and shall be processed one at a time.
- (4) Receive the voting device. Verify that the luggage tab (or other means of identification if the luggage tag is not used) showing the precinct number is attached to the voting device.
- (5) ~~The Envelope for Totals Printout shall be received first. The envelope shall be opened and its contents examined in the following order:~~ Receive the Envelope for Tally Report. Open the envelope and verify that the following items are present.
 - (A) ~~The Totals Printout shall be examined. If it appears to be in order, it shall be set aside in a secure place. If, however, the Totals Printout appears to be incorrect in any way, the Secretary and the County Election Board members shall confer to determine whether an election night recount of the ballots cast in the precinct, as outlined in 230:35-3-85.1, is warranted.~~ Examine the voting device tape, which includes the Zero Report printed when the polls were opened, the Detail Report printed when the polls were closed, and the first Tally Report. If the Tally Report is not included on the tape, open the voting device case, turn on the power and print a Tally Report. Attach it to the voting device tape received in the Envelope.
 - (B) ~~The Ballot Accounting Form shall be examined.~~ Examine the Ballot Accounting

Form or Forms. Verify that they have been completed and signed by Precinct Officials.

~~(C) The memory pack shall be given to the person responsible for reading it into the computer.~~

~~(D) The voting device key envelope shall be examined to be certain that the precinct number is written on it. The key envelope shall be set aside in a secure place.~~

(D) If uncounted ballots from the emergency compartment are found in the Envelope for Tally Report, ask the Inspector to step aside and wait until the ballots can be scanned on the election night recount voting device, removed from the ballot box, and properly secured.

~~(5) The voting device, if returned by the Inspector, shall be received and immediately transferred to secure storage. Ask the Inspector if the ATI device was used by any voter to cast an audio ballot during the day. Examine both the Ballot Accounting Form or Forms and the ATI Session Log form to verify that an ATI session was initiated. If the ATI device was used, make note on the front of the Envelope for Tally Report.~~

(6) If all the necessary items from the Envelope for Tally Report are accounted for, transfer the voting device, the voting device tape, and the Ballot Accounting Form or Forms to the tabulation computer operator.

(7) The sealed ballot transfer boxes shall be received and transferred to secure storage.

(A) Examine the ballot transfer boxes to ensure that they have been properly sealed. If the long white State Election Board seal is missing or broken, immediately affix a short turquoise State Election Board seal to the ballot transfer box. The new seal shall be signed by the County Election Board members and the box for "Other" shall be checked. Write the reason the seal is being applied in the space provided.

(B) In the event that the County Election Board must open a ballot transfer box on election night to retrieve an item enclosed in error inside the box by Precinct Officials, the Board members shall affix a short turquoise State Election Board seal to the box. The new seal shall be signed by the County Election Board members and the box for "Other" shall be checked. Write the reason the seal is being applied in the space provided.

~~(7)~~ (8) The Receive the sealed orange provisional ballot bag shall be received.

(A) Remove the Provisional Ballot Roster from the clear plastic pocket on the bag. Make certain that the precinct number is indicated on the Provisional Ballot Roster before separating it from the bag.

(B) Place the provisional ballot bag in a secure receptacle. Access to the provisional ballot bags shall be restricted to authorized County Election Board personnel.

(C) Paperclip or staple the Provisional Ballot Roster pages together and set aside in a secure location. Access to these forms shall be restricted to authorized County Election Board personnel.

~~(8) The Receive and examine the Precinct Registries shall be received and examined.~~

~~(9) The Receive and examine the Precinct Expense Claim Envelope and any unclaimed vouchers shall be received and examined.~~

(10) The Inspector shall sign the Precinct Expense Claim Envelope and receive his voucher for compensation and mileage if all other vouchers are accounted for.

~~(11) The Receive the election supply container and the Precinct Official Notebook shall be received and placed and place them in an appropriate receptacle receptacles.~~

~~(12) The Receive and store the American flag shall be received and stored.~~

230:35-3-84.1. Determining number of signatures on Provisional Ballot Rosters

The number of signatures on the Provisional Ballot Rosters from each precinct in the county shall be determined by the Secretary of the County Election Board on election night. The total number of signatures on Provisional Ballot Rosters may be made public, but no additional information concerning provisional ballots shall be released prior to 1 p.m. on Friday following the election.

- (1) Count the signatures on each page of the Provisional Ballot Roster for a precinct and record the total number of signatures for the precinct on the Provisional Ballot Precinct Log. If there were no provisional ballots cast in a precinct, enter a zero on the Log.
- (2) When all precinct returns have been received and canvassed, determine the total number of provisional ballots cast in the county by adding the precinct totals together. Enter the total in the space provided on the Provisional Ballot Precinct Log.
- (3) ~~If this is a state election, fax~~ Fax or e-mail a copy of the Provisional Ballot Precinct Log to the State Election Board.
- (4) If this is a multi-county school or municipal election and yours is an affected county, fax or e-mail a copy of the Provisional Ballot Precinct Log to the parent County Election Board.
- (5) Make a copy of the Provisional Ballot Precinct Log available for public inspection in the County Election Board office. Copies may be distributed to any interested party.

230:35-3-85.1. Election night recounts

~~(a) **Precinct ballots.** The ballots from a precinct may be recounted at the County Election Board office on election night if Precinct Officials are unable to obtain a Totals Printout at the polling place or if an examination of the Totals Printout from the precinct reveals an abnormality that may indicate that the voting device has malfunctioned. Election night recounts are allowed only under the following circumstances.~~

- ~~(1) The Ballot Statistics information on the Totals Printout indicates that the number of ballots not counted exceeds 2% of the total ballots cast. [26:7-134.1]~~
 - ~~(2) The voting device has malfunctioned in such a way that there are no totals on the Totals Printout or the Totals Printout is illegible. [26:7-134.1]~~
 - ~~(3) Uncounted ballots from the emergency compartment were mixed with counted ballots before the uncounted ballots could be processed through the voting device.~~
 - ~~(4) Precinct Officials failed to remove and count ballots from the emergency compartment before obtaining the Totals Printout.~~
 - ~~(5) An insufficient amount of voting device tape remains on the paper roll to print the first Totals Printout.~~
 - ~~(6) The State Election Board staff instructs the County Election Board to conduct an election night recount to resolve a problem not anticipated in this Section.~~
- (1) Precinct Official failed to remove and count ballots that were placed in the emergency compartment during the day before they closed the polls on the voting device.
- (A) If Precinct Officials properly segregated the uncounted ballots from the counted ballots by placing the uncounted ballots inside the Envelope for Tally Report, only the uncounted ballots will be included in the election night recount. See _____ .

(B) If Precinct Officials mixed uncounted ballots from the emergency compartment with the counted ballots from the main compartment of the ballot box by placing them in the ballot transfer case, all ballots cast at the polling place will be included in the election night recount.

(2) Both the MBB from the voting device and the backup device from the voting device have failed and no results can be obtained from either device. If this occurs, all ballots from the precinct will be included in the election night recount.

(3) The Secretary of the County Election Board is directed by the State Election Board to conduct an election night recount of all ballots cast at a precinct polling place in order to resolve a problem not foreseen in this Section.

(b) Absentee ballots from early voting or mail and nursing home absentee ballots.

Absentee ballots cast during early voting may be recounted on election night only under the circumstances described in (a) of this section. Mail and nursing home absentee ballots may be recounted on election night only under the circumstance outlined in (a)(2) of this Section.

(c) Procedure for election night recount. An election night recount shall be conducted on a voting device especially designated and prepared for election night recounts. (Counties with a high-speed ballot scanner for counting mail and nursing home absentee ballots also may perform election night recounts on the high-speed scanner.) If all the ballots for a large precinct or for a precinct where voters received more than one ballot must be included in an election night recount, more than one voting device may be prepared and used. The ballots shall be divided as evenly as possible among all the voting devices being used to perform the election night recount. The election night recount shall be conducted in public view and in the presence of the County Election Board members and a representative of the County Sheriff. [26:7-134.1] If possible, members of the news media also shall be present. The recount shall be conducted according to the following procedure.

~~(1) The memory pack from the precinct in question shall be inserted into the designated voting device.~~

~~—(2) The memory pack shall be initialized and a new Zero Printout shall be printed. Do not tear off the Zero Printout tape.~~

~~—(3) The ballot transfer case from the precinct shall be opened and the ballots removed.~~

~~—(4) The Secretary shall designate one person to feed/insert the ballots included in the election night recount, one at a time, into the voting device designated for election night recounts.~~

~~(5)(2) After all the ballots included in the election night recount for the precinct have been inserted into the device, a new Totals Printout shall be generated.~~

~~—(6) When the Totals Printout has finished printing, it shall be torn off and signed by the County Election Board members and also by the person who fed the ballots into the voting device. At least three more copies of the Totals Printout shall be printed.~~

~~—(7) After the required number of Totals Printouts has been printed, the memory pack shall be removed from the voting device.~~

~~(8) The the ballots shall be removed from the main compartment of the ballot box and shall be replaced in the ballot transfer case. One copy of the new Totals Printout shall be placed inside the ballot transfer case. The Totals Printout from the polling place also shall be placed in the case.~~

~~—(9)(3) The ballot transfer case shall be resealed and a short turquoise State Election Board seal shall be affixed to the box. [26:7-134.1] The new seal shall be positioned so that it can~~

be distinguished from the broken long white precinct seal. The members of the County Election Board and the person who fed the ballots into the voting device all shall sign the short turquoise seal. The Secretary shall check the "Election Night Recount" box on the seal.

(4) Any additional election night recounts shall be conducted on the same voting device.

(5) After all precinct returns are received and canvassed and the Secretary verifies that no additional election night recounts are needed, the polls shall be closed on the election night recount voting device and a Detail Report and a Tally Report shall be printed. The Secretary and the County Election Board Chairman and Vice Chairman shall sign the Tally Report in the spaces provided for Precinct Officials' signatures. An additional number of Tally Reports shall be printed as instructed by the Secretary.

(6) The MBB from the election night recount voting device shall be given to the tabulation computer operator to be read and tabulated.

(d) Obtaining cast vote records for ATI ballots. In the event that all ballots from a precinct must be recounted on election night, and if the ATI device was used by any voter to cast a ballot during the day, the Secretary shall cause the cast vote record for each audio ballot to be retrieved and printed from the precinct MBB. The precinct MBB then shall be set aside to ensure that it is not read and tabulated. The Secretary and the County Election Board Chairman and Vice Chairman shall use the printed cast vote record of the ATI ballot to mark a substitute ballot to be inserted in the voting device during the election night recount. The procedure outlined in 230:30-19-6 shall be observed to mark the substitute ballot.

230:35-3-85.2. Addressing voting device printer failure, voting device MBB failure and/or backup memory failure

(a) In the event that a voting device printer fails and Precinct Officials are unable to print the required Detail and Tally reports at the polling place, Precinct Officials shall be instructed to post a notice on the door of the polling place that voting device results are unavailable and that results for the precinct will be available from the County Election Board later in the evening. When the MBB is read and tabulated in the Tally program, a Precinct Report can be printed to show the results. The Inspector may be asked to take a copy of this report back to the polling place to post on the door before he or she returns home.

(b) In the event that County Election Board personnel are unable to download the results from an MBB used in voting device on election day into the tabulation computer, the County Election Board Secretary shall contact the State Election Board for instructions to access the backup memory device in the voting device.

(c) In the event that County Election Board personnel are also unable to download results from the voting device backup memory device into the tabulation computer, an election night recount of all ballots cast at the precinct polling place shall be conducted as outlined in 230:35-3-85.1.

230:35-3-85.3. Removing MBB from voting device

Upon receipt of the voting device from the Inspector, County Election Board personnel immediately shall transfer the voting device to the designated secure work area for removal of the MBB. The following procedure shall be observed.

(1) Unlock and open the voting device case with the square key.

(2) Verify the seal number on the MBB cup cover against the Voting Device Report. Cut and remove the seal.

(3) Unlock and remove the MBB cup cover with the square key.

(4) Remove the MBB.

(5) Verify that the correct precinct number is recorded on the MBB label.

(6) Transfer the MBB to the tabulation computer operator to be read and tabulated.

230:35-3-86. Sheriff to provide security for voted ballots [REVOKED]

It is the duty of the County Sheriff to provide security for the ballot transfer boxes for all elections from election night until the county's final election results are certified or until the ballot transfer boxes are delivered to the District Courtroom for a recount, whichever is later. [26:8-110] The Secretary shall inform the Sheriff when there will be an election.

230:35-3-87. Accumulating and producing verifying election results

(a) Prior to 7 p.m. election night. Prior to 7 p.m. on election night, and preferably on the day before the election, the Secretary of the County Election Board shall assign a County Election Board employee to prepare the tabulation computer to read MBBs.

(1) Create the official election mode Tally database.

(2) Export Zero Results to the State Election Board.

(3) Print and label a Cumulative Report and a Precinct Report from Tally showing zero results for the election.

(b) Election night. After 7 p.m. on election night. The Secretary shall assign a County Election Board employee to be responsible for reading the voting device memory packs read the MBBs into the tabulation computer in order to accumulate election results on election night. The following procedure shall be observed.

(1) The MBBs from the voting device or devices used for in-person absentee voting and from the voting device or devices used to count mail and nursing home absentee ballots may be read into the Tally computer immediately after 7 p.m. In all counties except Oklahoma and Tulsa Counties, these absentee MBBs must be read and tabulated before the first precinct MBB is read.

(2) As the memory packs voting devices are received from Inspectors as described in 230:35-3-84, the MBB shall be removed from the voting device as outlined in 230:35-3-85.3, and shall be transferred to the person assigned to operating the tabulation computer. accumulate results shall insert the memory packs into the memory pack reader and shall cause them to be read by the computer. The tabulation computer operator shall read and tabulate MBBs as they are received. The operator should manually start and stop tabulation at least once every 10 minutes to ensure that all MBBs read have been tabulated.

(2) When the memory pack from every precinct has been read and the results from all affected county precincts have been entered manually, if applicable, the Precinct Report shall be printed. The Precinct Report shall be proofread against the Totals Printout tapes from every precinct and against the handwritten results recorded from the affected county's telephone call to verify the Precinct Report's accuracy. When written results are received from the affected county, the Precinct Report also shall be proofread against the written

results.

(3) Periodically, the tabulation computer operator shall print reports with current results. The tabulation computer operator should print both the Cumulative Report and the Precinct Report periodically throughout the evening. Copies of the updated reports shall be made available to the County Election Board members and to media as needed.

~~(4) When proofreading of the Precinct Report is completed, print the Election Summary Report.~~

~~(5) Print the appropriate unofficial Certification Report as outlined in 230:35-3-91. The unofficial Certification Report also shall be proofread.~~

~~(6) Request the Pre-Provisional Results Extract process. This process preserves election night results to allow comparisons after provisional ballot results are added. This process must be completed successfully before provisional ballots are processed.~~

~~(7) If this is a state election, request the State Election Results Process.~~

~~(8) The Corrections Log report and the System Log report also shall be printed on election night after all other tasks have been completed.~~

(c) Verifying election results in MESA and on State Election Board website. After all MBBs, including the MBB from the voting device designated and prepared for election night recounts, have been read and tabulated, the tabulation computer operation shall take the following steps.

(1) Request, print, and label final copies of the Cumulative Report and the Precinct Report from Tally.

(2) Exit the Tally program and confirm upon exit that all election night MBBs have been read and tabulated to signal the State Election Board that no additional results will be received from the county on election night.

(3) Wait 15-20 minutes after exiting the Tally program on the tabulation computer to access Certification Reporting in MESA.

(A) When all entities listed in the Election Entities area appear in black, request and print the Unofficial Pre-provisional Report for the election date. (If any entity still appears in red, one or more precincts involved included in that entity has reported. Such unreported precincts may be located in an affected county. Wait until all entities are black.)

(B) Request and print the Election Summary Results by County report and the Precinct Report from MESA.

(C) If yours is the control (parent) county for a multi-county school district or municipality, also request and print the Election Summary Results report to include results from affected counties.

(4) Access the State Election Board's election results reporting website and go the page displaying the county's results. Verify that the vote totals shown for the county on the Cumulative Report from Tally and on the Election Summary Results by County report match the totals shown on the website.

(5) If the county is the control (parent) county for a multi-county school district or municipality, go to the multi-county results page and select the multi-county entity from the drop-down list. Verify that the results shown for the entity on the Election Summary Results report, which includes results from affected counties, match the results shown on the website. The control(parent) county does not have a report from Tally that includes results from affected counties.

~~(b)-(d) Friday following election. After all the verified provisional ballots have been counted and the required number of Totals Printouts have been obtained, County Election Board personnel shall follow the steps in (a) of this section to enter the provisional ballot results in OEMS. Under no circumstances shall the results of the provisional ballot count be made public prior to 1 p.m. on Friday following the election. Print and proofread the appropriate Certification Report. The Secretary of the County Election Board shall cause a voting device to be designated and prepared for counting provisional ballots. All provisional ballots that have been verified and approved for counting shall be counted in the presence of the members of the County Election Board on the designated voting device. When all provisional ballots have been counted, the following steps shall be performed.~~

~~(1) Close the polls on the voting device and print a Detail Report and a Tally Report. Print additional copies of the Tally Report as instructed by the Secretary.~~

~~(2) Remove the MBB from the voting device as instructed in 230:35-3-85.3~~

~~(3) Read and tabulate the MBB in the tabulation computer as outlined in (b) of this Section.~~

~~(4) Print a Cumulative Report and a Precinct Report from Tally.~~

~~(5) Compare the result shown on the reports with the results shown on the Tally Report from the voting device used to count the provisional ballots. Verify that all vote totals match.~~

~~(6) Finalize the official election mode Tally database for the election and exit the Tally program on the tabulation computer.~~

~~(7) Wait 15-20 minutes after exiting the Tally program on the tabulation computer to access Certification Reporting in MESA.~~

~~(A) When all entities listed in the Election Entities area appear in black, request and print the Unofficial Post-provisional Report. Compare the vote totals on the MESA report to the vote totals on the Cumulative Report from Tally and verify that they match. (If any entity still appears in red, one or more precincts included in that entity has not yet reported. Such unreported precincts may be located in an affected county. Wait until all entities appear black.)~~

~~(B) Request and print the required number of copies of the Official Certification Report for the election date.~~

PART 15. CERTIFICATION OF RESULTS

230:35-3-91. Certifying county election results

~~(a) Election night activities. On election night, the County Election Board shall canvass the precinct and absentee results for all candidate elections, for all questions, and for all including elections for which the county is an affected county. When all election results have been accumulated as outlined in 230:35-3-87, a copy of the unofficial Certification Report shall be printed. The unofficial Certification Report shall be proofread. The County Election Board shall not certify any election results on election night under any circumstances. The Secretary of the County Election Board shall cause the following tasks to be completed on election night.~~

~~(1) Determine the number of signatures on the Provisional Ballot Roster using the Provisional Ballot Precinct Log. See 230:35-3-84.1. Post a copy of the completed Provisional Ballot Precinct Log on the office door and, if this is a state election, fax or e-mail~~

a copy of the Log to the State Election Board. If any provisional ballots are cast in involved in an election for which this is an affected county, also fax the Log to the parent county.

(2) If the county is an affected county for a multi-county school district or municipal election, report the unofficial precinct and absentee results and the number of provisional ballots which may have been cast in the election to the parent County Election Board.

(3) On the night of the Runoff Primary Election only, follow the specific instructions received from the State Election Board to determine the number of outstanding absentee ballots from overseas uniformed services voters and overseas voters. Report that number to the State Election Board. See 230:30-19-16.

(b) Friday following election. The County Election Board shall meet on Friday following each election at the time set by the Secretary to ~~open and count~~ verified provisional ballots and to certify the final election results. If the Board meets prior to 5 p.m. to count provisional ballots and finishes the count before 5 p.m., the meeting ~~shall~~ may be recessed ~~until and reconvened~~ after 5 p.m. ~~The Board then shall reconvene after~~ After the close of the contest period at 5 p.m., ~~the Board shall~~ to certify the final election results for all candidate races and questions all propositions, providing no contests have been filed. The Secretary shall prepare ~~the following materials to certify the election.~~

—(1) ~~After all verified provisional ballots have been counted and results updated in OEMS and after final election results from affected counties of multi-county school districts and municipalities have been entered manually into OEMS, print at least two copies of the Official Certification Report. Proofread the Certification Report. Each copy of the Certification Report shall be signed by the members of the County Election Board and by the Secretary. The County Election Board seal shall be affixed to each signed copy of the Certification Report in the area of the signatures. For races and questions that cannot be certified due to a contest, print one copy of the unofficial Certification Report. two or more copies of the Official Certification Report for each entity involved in the election.~~

(2) ~~The Secretary of an affected County Election Board in a multi-county school district or municipal election shall fax a copy of the signed Official Certification Report to the parent County Election Board as soon as possible after 5 p.m. on Friday. The County Election Board members shall sign each copy of the Official Certification Report in the area provided for signatures.~~

(3) ~~If this is an election involving state or federal candidates or state questions, request the State Election Results process in OEMS, print the System Log and Corrections Log, and run an election backup. The Secretary shall apply the official County Election Board seal to each signed copy of the Official Certification Report.~~

(c) 5 p.m. Tuesday next following election. ~~The State Election Board meets at 5 p.m. on Tuesday next following an election involving state or federal candidates or state questions to certify the final election results. The County Election Board, however, shall not be required to meet again on Tuesday next following the election, unless final election results were not certified on Friday evening for a reason other than a contest of election being filed.~~

(d) Disposition of signed and sealed Official Certification Reports. One copy of each signed; official signed and sealed Official Certification Report shall be maintained permanently by the County Election Board. Other copies shall be distributed as follows.

(1) In statewide elections, one copy of the signed and sealed Official Certification Report for all races and state questions that must be certified by the State Election Board shall be mailed

to the State Election Board after 5 p.m. on Friday following the election.

(2) In multi-county elections for which the county is an affected county, one signed and sealed copy of the Official Certification Report shall be mailed to the parent county after 5 p.m. Friday following the election.

(3) In all ~~other~~ county, school district, or municipal elections, one copy of the signed and sealed Official Certification Report shall be provided to the entity for which the election was conducted. In some instances, an entity may request more than one copy of the Official Certification Report. The Secretary shall provide the number of copies, within reason, requested by the entity.

(d) 5 p.m. Tuesday next following federal or state election. The State Election Board meets at 5 p.m. on Tuesday next following an election involving federal or state candidates and/or state questions to certify the final election results.

(e) **List of nominees.** Following Primary and Runoff Primary Elections, the County Election Board shall authorize the Secretary to certify the nominees of each party for each county office on the ballot by preparing an official list of nominees. The original copy of the list of nominees shall be signed by the Secretary and maintained in the minutes of the County Election Board meeting at which the election results were certified. A copy of the list of nominees shall be posted on the door of the County Election Board office.

(f) **List of successful candidates and Certificates of Election.** Following General Elections, the Secretary shall compile a list of successful candidates for each county office on the ballot and shall issue a Certificate of Election to each successful candidate.

~~(g) **Runoff Primary Election.** Absentee ballots from overseas absentee voters, including both overseas uniformed services voters and overseas voters, who made timely applications for ballots for the Runoff Primary Election that are received by the Secretary of the County Election Board by 5 p.m. on the fourteenth day following the Runoff Primary Election shall be accepted, counted, and included in the final election results for federal offices only. [26:14-104.1] If no absentee ballots from overseas uniformed services or overseas voters remain outstanding at 5 p.m. on Friday following the Runoff Primary Election, the County Election Board may certify the final results for federal offices to the State Election Board as outlined in (b) of this Section. However, if any overseas uniformed services or overseas absentee ballots remain outstanding at 5 p.m. on Friday following the Runoff Primary Election, the County Election Board shall only canvass the county's precinct, absentee, and provisional ballot totals for federal offices and shall follow the specific instructions received from the State Election Board to report the results of the provisional ballot count. The County Election Board shall certify the final results for federal offices after 5 p.m. on the fourteenth day following the Runoff Primary Election.~~

230:35-3-91.1. Certificates of Election for unopposed candidates

The Secretary is authorized to issue a Certificate of Election to an unopposed candidate for county office at any time after 5 p.m. on Friday the second business day following the close of the filing period at which the candidate filed his or her Declaration of Candidacy.

230:35-3-92. Tie votes [REVOKED]

~~(a) *When a tie vote is certified in the nomination or election of any candidate for county office in*~~

~~any Primary, Runoff Primary or General Election, the County Election Board shall, at a public meeting of the Board and in the presence of the tied candidates or the tied candidates' designees, if they desire to be present, select the nominee or electee by lot. [26:8-105(A)] When there are three or more candidates in a Primary Election for which a Runoff Primary will be held and a tie occurs for first place, the names of the tied candidates shall be placed on the Runoff Primary ballot. [26:8-105(C)]~~

(b) In the event that a nominee or electee is to be selected by lot, the following procedure shall be observed:

(1) Not later than the tenth day following the election at which a tie vote occurs, the Secretary of the County Election Board shall notify, in writing, each of the candidates for which the vote was tied of the date, time and location of the County Election Board meeting at which the nominee or electee shall be selected by lot. [26:8-105(B)(1)] The notice shall be transmitted to each candidate by certified mail, and must be postmarked not fewer than five days prior to the meeting.

(2) The meeting to select a nominee or electee by lot shall be held on a weekday, excepting holidays, between the hours of 7 a.m. and 7 p.m. [26:8-105(B)(5)]

(3) Each candidate may designate, in writing, one person as a witness to attend the meeting on his behalf. The designation of the witness shall be presented to the Secretary of the County Election Board. [26:8-105(B)(2)]

(4) ~~In full view of all persons present at the meeting, the Secretary shall write or print the name of each candidate involved in the tied vote on separate pieces of paper. [26:8-105(B)(3)] The pieces of paper used must be the same color and type and must be of approximately equal size. The papers shall be folded in half one time so that the names are not visible. [26:8-105(B)(3)] The papers shall be placed inside a container that has been selected by the Secretary. [26:8-105(B)(3)]~~

(5) ~~The Secretary shall draw, or may designate a person other than the candidates, witnesses or other person directly interested in the election to draw, one piece of paper from the container. [26:8-105(B)(4)] The candidate whose name is written on the paper shall be declared the winner of the election. After announcing the name of the winner, the Secretary shall expose the other pieces of paper to all persons present at the meeting.~~

(c) In the event that a recount involving candidates results in a tie, the nominee or electee shall be determined by lot at the same meeting called to conduct the recount. [26:8-115] The procedure outlined in (b)(4) and (5) of this Section shall be observed.

230:35-3-93. Credit for voting

Credit for voting shall be given to every registered voter who casts a ballot in an election. Credit for voting in an election shall be recorded in ~~OEMS~~ MESA.

PART 17. DISPOSITION OF MATERIALS

230:35-3-98. Disposing of ballots

Voted ballots for Presidential Electors, U.S. Senator, U.S. Representative and from the

Presidential Preferential Primary Election shall be retained for 24 months after the election at which they were cast. Unused ballots for Presidential Electors, U.S. Senator, U.S. Representative and from the Presidential Preferential Primary Election shall be retained for 30 days after the election. Both voted ballots and unused ballots for all other elections shall be retained for 30 days after the election at which they were cast. The ballots shall be maintained in the sealed ballot transfer boxes throughout the ballot retention period unless the court orders the transfer boxes opened for a recount. Ballot transfer cases opened for a recount shall be resealed by the County Election Board following conclusion of the recount. When the ballot retention period for an election has expired, the ballot transfer boxes shall be opened and the ballots shall be destroyed.

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

Precinct Registries shall be retained for *24 months from the date of the election and shall be subject to public inspection during regular office hours.* [26:7-117]

230:35-3-100. Disposing of ~~Totals Printouts~~ Tally Reports

Totals Printouts shall be retained until ballots are destroyed. At that time, the Totals Printouts also may be destroyed.

230:35-3-101. Processing ~~FORMS FOR USE BY PRECINCT OFFICIALS~~ booklets forms used on election day by Precinct Officials

(a) The Secretary shall remove ~~the FORMS FOR USE BY PRECINCT OFFICIALS booklet forms used on election day by Precinct Officials from the Forms section of the Precinct Official Notebook~~ and all used Oklahoma Voter Registration Applications from the election supply container from each precinct. ~~Examine the FORMS booklet, tear out all used forms, and process them according to the following procedure:~~

- (1) The Secretary shall cancel the registrations of deceased voters indicated by used Cancellation of Registration of Deceased Voter forms as outlined in 230:15-5-63 and 230:15-5-65.
- (2) The Secretary shall read the Inspector's Notes to Secretary sheets and shall take any necessary action.
- (3) The Secretary shall examine the Absentee Voter Affidavit. If ~~OEMS~~ MESA identifies voters who voted both by mail or in-person absentee ballot and at a precinct polling place in the election, the Secretary shall notify both the District Attorney and the State Election Board. The Secretary shall follow any instructions concerning the Absentee Voter Affidavit given by either the District Attorney or the State Election Board.

(b) All voter registration application forms shall be processed according to the procedure outlined in 230:15-9-18 and in 230:15-9-24.

(c) After the used election day forms from the ~~FORMS booklet~~ have been processed as outlined in (a) of this Section they shall be retained for 24 months following the date of the election. ~~The booklet covers and any unused forms remaining inside the covers shall be retained for 30 days following the election and then either shall be destroyed or, if possible, saved for reuse.~~ The

Secretary shall cause the Forms section of the Precinct Official Notebook to be replenished before the next election.

230:35-3-103. Disposing of supplies

The Secretary shall examine all supplies for serviceability. Supplies that can be reused, such as signs and unused forms ~~that are not bound in the FORMS booklet,~~ in the forms section of the Precinct Official Notebook shall be returned to the inventory. Supplies that cannot be reused shall be discarded. Other supplies, such as ~~ink ballpoint pens,~~ thumbtacks, rubber bands, ~~ballot marker pens,~~ scissors, paper clips, and tape, shall be replenished as necessary and stored permanently in the election supply container for each precinct. When ballots are destroyed, the Secretary shall examine the ballot transfer boxes. If they are still serviceable, the old seals shall be removed and the boxes shall be retained for future use.

230:35-3-104. Disposing of Precinct Check Lists

Precinct Check Lists shall be retained until ballots for the election are destroyed. At that time the Precinct Check Lists may be destroyed.

PART 19. VERIFYING AND COUNTING PROVISIONAL BALLOTS

230:35-3-126. Criteria for verification of provisional ballot affidavit information

(a) **Voter not in Precinct Registry.** A provisional ballot cast by a voter whose name is not in the Precinct Registry shall be considered verified and approved for counting if evidence of the voter's valid and timely voter registration is found and if:

- (1) the provisional ballot was cast in the precinct of the voter's residence as indicated in the voter registration record or other evidence found; and
- (2) in the case of a partisan primary election, the voter cast a provisional ballot for the same party as that of the voter's political affiliation in the voter registration record or other evidence found.

(b) **Voter without proof of identity.** A provisional ballot cast by a voter who is unable to provide or who refused to provide a valid form of proof of identity shall be considered verified and approved for counting if the voter's name on the affidavit substantially conforms to the voter's name in MESA, and if the voter's residence address, date of birth, and Oklahoma driver license number, or the last four digits of the voter's Social Security number match the information in MESA. However, if the date of the voter's original registration is on or before January 1, 2004, the voter's registration predates the requirement to provide an Oklahoma driver license or the last four digits of the Social Security number and neither number shall be required to count the provisional ballot.

(c) **Political affiliation dispute.** In the event a voter in the Primary or Runoff Primary Election casts a provisional ballot after disputing the political affiliation indicated in the Precinct Registry, the provisional ballot shall be counted only if evidence of a timely and valid change of political affiliation is found.

(d) **Uniformed services voters.** Uniformed services voters are those identified in 230:30-3-3 and in 230:35-5-175. Provisional ballots cast by these voters shall be counted if they are cast in the correct precinct for the voter's residence address. [26:7-116.1; 26:14-121]

(e) **Overseas voters.** Overseas voters are those voters identified in 230:30-3-3 and 230:35-5-175. Provisional ballots cast by these voters shall be counted if they are cast in the correct precinct for the voter's residence address. [26:7-116.1; 26:14-121]

(f) **School district or municipal assignment dispute.** Voters listed in the Precinct Registry who disagree with their assignment to a particular school district or municipality may cast a provisional ballot for their preferred school district or municipality. Provisional ballots cast by these voters shall be counted only if evidence is found that the assignment indicated in the Precinct Registry is incorrect.

(g) **Voter Who Disputes Credit for Absentee Voting – In-Person Absentee Voting ONLY.** In-person absentee voters who have received credit for voting by mail or on an earlier day of in-person absentee voting and who deny having voted may cast a provisional ballot. Their provisional ballot shall be counted only if evidence is found that the credit for absentee voting for this voter was recorded in error or that evidence is found indicating that the earlier absentee ballot was submitted by someone other than the voter.

230:35-3-128. Provisional ballot verification procedure for voter without proof of identity

The following steps shall be observed to verify the eligibility of a provisional voter who was unable or unwilling to provide proof of identity at the polls.

(1) Look for the voter's registration information in MESA and verify that the name, residence address, date of birth, and Oklahoma driver license number or last four digits of the Social Security number are the same. However, if the voter's original voter registration occurred on or before January 1, 2004, the voter's registration predates any requirement to provide an Oklahoma driver license or the last four digits of the Social Security number and neither number shall be required to count the voter's provisional ballot.

(2) Indicate the disposition of the provisional ballot in the "For CEB Office Use Only" space on the affidavit envelope by placing a check mark beside "Count" or "Reject" as appropriate

(3) If a provisional ballot is verified and approved for counting, place the affidavit envelope, unopened, in a locked ballot box or other locked container until the County Election Board meets to open the affidavit envelopes.

(4) If the ballot is rejected, indicate the reason for the rejection in the space provided on the affidavit envelope. Place all rejected provisional ballot affidavits aside in a secure location completely separate from affidavits not yet verified and from those that are verified and approved for counting.

230:35-3-130. Provisional ballot verification procedure for voter who disagrees with school district, technology center district, or municipal assignment

When an application for voter registration is entered in MESA, the Street Guide automatically assigns the residence address to the appropriate precinct, and within the precinct, the appropriate school district, technology center district, if applicable, and municipality. See 230:15-9-18.1. In the event that a voter disagrees with the school district, technology center

district, or municipal assignment indicated in the Precinct Registry, the voter is entitled to cast a provisional ballot in the school district, technology center district, or municipal election in which the voter claims eligibility. Such a provisional ballot may be counted only if evidence is found that confirms that the voter's residence address is in fact located within the appropriate school district, technology center district, or municipal boundary. The following steps shall be observed to investigate a provisional ballot cast as outlined in this section.

- (1) Compare the voter's original registration form from the Central File with the voter registration information in MESA to be certain that the address was entered correctly.
- (2) If the voter submitted a new voter registration application form at the polling place, compare the address information on that new application with the information already in MESA. If the address on the new application contains additional details, such as the quarter-quarter section designation, a 911 address, or a more specific physical description, check the Street Guide to determine if the address is assigned to the voter's preferred school district or municipality.
 - (A) If the address is assigned to the school district, technology center district, or municipality, the ballot shall be counted. Update the voter's registration address information in MESA with the new address.
 - (B) If the address is not assigned to the school district, technology center district, or municipality, the ballot shall not be counted.
- (3) Contact school district, technology center district, or municipal officials for any additional information which may be available.

230:35-3-131. Opening provisional ballot affidavit envelopes and counting provisional ballots

- (a) The County Election Board members shall meet on Friday next following the election at such time as the Secretary may prescribe to open the verified provisional ballot affidavit envelopes and to count the provisional ballots. The Board members shall follow these steps to remove the provisional ballots from the envelopes.
 - (1) The Board members shall receive the verified provisional ballot affidavit envelopes; ~~sorted by precinct~~, from the Secretary or a designated County Election Board employee.
 - (2) The Board members shall open the affidavit envelopes and remove the ballot secrecy envelopes. If an affidavit envelope indicates that the voter received two or more ballots, but that not all the ballots enclosed are to be counted, see (c) of this Section.
 - (A) Set the affidavit envelope aside.
 - (B) Place the ballot secrecy envelope in an appropriate container.
 - (3) When all the affidavit envelopes ~~from a single precinct~~ have been opened, the secrecy envelopes shall be mixed together.
 - (4) The Board members shall open the ballot secrecy envelopes and remove the ballots.
 - (A) Set the secrecy envelope aside.
 - (B) Unfold the ballot and place it in the designated container ~~for the precinct~~.
- (b) When all the verified provisional ballot envelopes ~~for a single precinct~~ have been opened, the ballots shall be counted. The following procedure shall be observed.
 - (1) The Secretary shall assign a County Election Board employee to count the provisional ballots using a voting device designated and prepared for the purpose. The members of the

County Election Board shall observe the counting process.

(2) The employee assigned to count the ballots shall take the following steps.

~~(A) The memory pack for the precinct shall be inserted in the voting device.~~

~~(B) Press the Print Totals key to obtain a Totals Printout. Verify that the totals match exactly the Totals Printout from election night.~~

~~(C) The polls shall be reopened so that the memory pack can read additional ballots.~~

~~(D) Insert the ballots, one at a time, into the device. If the device returns a ballot, do not remove the ballot. Use the override key to accept the ballot, then continue inserting ballots.~~

(E) After all the provisional ballots have been counted, obtain a new Totals Printout.

(Set the first new Totals Printout aside in a safe place. Do not put it in a ballot transfer box.) Print at least three more copies of the Totals Printout. The following message will print after each race on the Totals Printout: "Test Results Only. Results Are Not Official." However, these are official results and this message should be disregarded.

(3) The employee who counted the ballots and the members of the County Election Board each shall sign all the copies of the Totals Printout.

(4) The employee shall remove the counted provisional ballots and place them in a ballot transfer case. If ballots from more than one precinct are placed in the same ballot transfer case, the ballots ~~shall~~ should be sorted and separated by precinct. ~~(The counted provisional ballots may be placed in the same ballot transfer case as any counted telephone ballots which also shall be separated by precinct.)~~ One signed copy of the ~~Totals Printout~~ Tally Report shall also be placed in the ballot transfer case. The ballot transfer case shall be sealed with a short turquoise State Election Board seal signed by the County Election Board members and the employee who counted the ballots. The Secretary shall check the "Counted Provisional Ballots" box on the seal and shall indicate the precinct numbers included in the ballot transfer case.

(5) The sealed ballot transfer case shall be given to the Sheriff, who shall provide security for the counted ballots until 5 p.m. on Friday following the election or until the ballots are delivered to the district courtroom for a recount.

(6) One copy of the provisional ballots ~~Totals Printout~~ Tally Report shall be made available for inspection in the County Election Board office after 1 p.m. on Friday following the election.

(7) Follow the ~~appropriate software instructions to read the memory packs into the computer.~~

~~(8) Print a Precinct Report for each precinct in which provisional ballots were counted.~~

Proof the Precinct Report against the Totals Printout. appropriate instructions in 230:35-3-87 to read and tabulate the MBB from the voting device used to count the provisional ballots and to print the required reports and certification materials.

(c) If a provisional voter was issued two or more ballots and, upon verification of the voter's information, it is determined that one or more of the ballots cannot be counted, the County Election Board members shall follow these steps when opening the affidavit envelope.

(1) Open the affidavit envelope and remove the secrecy envelope.

(2) Write "Count (BALLOT TYPE OR CODE) ballot only" on the secrecy envelope in red ink.

(3) Place secrecy envelope in the container with other secrecy envelopes.

(4) When opening the secrecy envelopes, remove from the marked envelopes only the

specific ballot or ballots to be counted. Put the ballots that cannot be counted back in the secrecy envelope and set it aside with the other uncounted provisional ballot materials.

230:35-3-132. Obtaining provisional ballot results

After all the provisional ballots have been counted ~~and the required number of Totals Printouts obtained for each precinct,~~ County Election Board personnel shall follow the appropriate hardware and software instructions to enter the provisional ballot results ~~in into the computer.~~ follow the steps outlined in 230:35-3-85 to obtain the final election results. Under no circumstances shall the results of the provisional ballot count be made public prior to 1 p.m. on Friday following the election.

PART 21. PROOF OF IDENTITY

230:35-3-140. Proof of identity required for voting

(a) Each person appearing to vote at the precinct polling place on election day or at the in-person absentee polling place on a day designated for in-person absentee voting shall provide proof of identity. [26:7-114] "Proof of identity" shall be a document that satisfies all of the following requirements. [26:7-114]

(1) *The document shows the name of the person to whom the document was issued, and the name substantially conforms to the name in the Precinct Registry.* [26:7-114 (1)]

(2) *The document shows a photograph of the person to whom the document was issued.* [26:7-114 (2)]

(3) *The document includes an expiration date, which is after the date of the election in which the person is appearing to vote. The provisions of this paragraph shall not apply to an identification card issued to a person sixty-five (65) years of age or older which is valid indefinitely, as provided in Section 6-105.3 of Title 47 of the Oklahoma Statutes.* [26:7-114(3)]

(4) *The document was issued by the United States, the State of Oklahoma or the government of a federally recognized Indian tribe or nation.* [26:7-114(4)]

(b) A voter identification card or a temporary voter identification document issued by the County Election Board in the county of the voter's residence shall serve as proof of identity without meeting the requirements listed in (a) (2) and (3) of this Section. [26:7-114]

(c) A state identification card issued to a person 65 years of age or older is valid indefinitely and does not have an expiration date. [26:7-114] Such a card is by law a valid proof of identity for the person to whom it was issued. [26:7-114]

(d) A document that includes a space for an expiration date but that displays in that space an indication that the document, in fact, does not expire shall be a valid proof of identity for voting purposes. For example, if the document displays "Indefinite" or "Does Not Expire" so some other similar message in the space labeled for an expiration date, the document shall be accepted.

(e) If a person declines to provide proof of identity or is unable to produce proof of identity, the person may sign an Oklahoma Provisional Ballot Affidavit swearing or affirming to be the same person identified in the Precinct Registry and shall be allowed to cast a provisional ballot as

outlined in 230:35-5-177. [26:7-114(B)]

~~(e)~~(f) False swearing or affirming under oath shall be punishable as a felony and the penalty for such false swearing or affirming, upon conviction, shall be five years in the state penitentiary, a fine of not more than \$50,000.00, or both. [26:7-114]

230:35-3-141. Documents that may be used for proof of identity

(a) Any document that meets all the requirements listed in 230:35-3-140 may be used as proof of identity for voting purposes. Documents that may be used for proof of identity for voting purposes shall include, but ~~may not be~~ are not necessarily limited to, the following.

- (1) a valid Oklahoma driver license
- (2) a valid Oklahoma state identification card
- (3) a voter identification card issued by the County Election Board in the county of the voter's residence
- (4) a temporary voter identification document issued by the County Election Board in the county of the voter's residence
- (5) a United States passport
- (6) a United States military identification
- (7) any other 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) The name on a document used for proof of identity for voting purposes shall substantially conform to the name on the voter registration record.

**SUBCHAPTER 5. INSTRUCTIONS FOR PRECINCT ELECTION OFFICIALS
PART 1. PRECINCT ELECTION BOARD**

230:35-5-1. Purpose

The rules in this Subchapter establish policies and procedures to be observed by Precinct Officials during elections. These rules detail the organization of the Precinct Election Board, preparations for the election, conduct of election day duties and the return of election results and supplies to the County Election Board office. The rules contained in Parts 1 through 17 are published for distribution to County Election Board personnel and Precinct Officials ~~under the title THE MANUAL FOR PRECINCT ELECTION OFFICIALS~~ as The Manual for Precinct Election Officials section of the Precinct Official Notebook. The rules contained in Parts 19 through 29 are published for distribution to County Election Board personnel and Precinct Officials ~~under the title PRECINCT PROBLEM SOLVER~~ as the Precinct Problem Solver section of the Precinct Official Notebook. ~~The rules contained in Parts 31 and 33, along with certain other Sections from Parts 5 and 17, are published for distribution to County Election Board personnel and Precinct Officials under the title VOTING DEVICE HANDBOOK FOR PRECINCT OFFICIALS. THE MANUAL FOR PRECINCT ELECTION OFFICIALS, The Manual for Precinct Election Officials and the PRECINCT PROBLEM SOLVER, and the VOTING DEVICE HANDBOOK FOR PRECINCT OFFICIALS~~ Precinct Problem Solver are

essential parts of Oklahoma's uniform statewide election system.

**230:35-5-2. Publication of ~~THE MANUAL FOR PRECINCT ELECTION OFFICIALS~~
The Manual for Precinct Election Officials**

Prepared by the staff of the State Election Board for use by County Election Board Secretaries, Precinct Officials and other election personnel, ~~THE MANUAL FOR PRECINCT ELECTION OFFICIALS~~ The Manual for Precinct Election Officials is published as a section within the Precinct Official Notebook and is intended to complement other publications of the State Election Board. ~~THE MANUAL FOR PRECINCT ELECTION OFFICIALS~~ The Manual for Precinct Election Officials includes the rules contained in Parts 1 through 17 of this Subchapter.

230:35-5-8. Authority of Inspector

The Inspector is the *administrative officer of the Precinct Election Board*. [26:2-126] 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 MANUAL FOR PRECINCT ELECTION OFFICIALS~~, the ~~PRECINCT PROBLEM SOLVER~~, and ~~THE VOTING DEVICE MANUAL FOR PRECINCT OFFICIALS~~ The Manual for Precinct Election Officials and the Precinct Problem Solver sections 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

230:35-5-17. 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." ~~beside each item.~~
- (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, ~~forms, publications~~, envelopes, keys, ~~ink ballpoint pens, ballot markers~~, and other items Precinct Officials need on election day.
 - (2) **Precinct Registry.** The Inspector receives the Precinct Registry or Registries for the precinct. The Precinct Registry is a computer printout containing 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 voting device key. The round ballot box key unlocks both ~~sides of locks on the main compartment of the~~ ballot box, ~~the ballot box flap and~~ the door of the emergency compartment of the ballot box and the rear door of the ballot box. The square voting device key unlocks the ~~door of the back panel of 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 ~~50~~ 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 ~~and~~ 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. ~~Voting device and ballot~~ Ballot box, voting booths, and signs

The County Election Board provides ~~one voting device,~~ one ballot box, and at least two voting booths for each precinct. 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 handicapped accessible parking or entrances. The County Election Board Secretary has several options for distributing ~~voting devices, ballot boxes, and~~ voting booths, and signs to precinct polling places. The Inspector receives instructions from the Secretary about the ~~voting device, ballot box, and~~ 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 a.m. on election day and follow these steps to prepare for the election. [26:7-105]

(1) Display the American flag either inside or outside the polling place as instructed by the 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) Put the ~~FORMS FOR USE BY PRECINCT ELECTION OFFICIALS~~ booklet on the table. ~~This booklet contains forms that will be used during the day. Do not tear any forms out of the booklet.~~

~~(10) Put THE MANUAL FOR PRECINCT ELECTION OFFICIALS and the PRECINCT PROBLEM SOLVER on the table. Precinct Official Notebook on the table.~~

(11) 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.

(12) Set aside the remaining supplies. They will be used after the polls close.

230:35-5-29. Location and materials for Judge

The Judge is the first Precinct Official the voter sees. Position the Judge closest to the entrance. Put these items at the Judge's position.

- (1) Precinct Registry or Registries.
- (2) ~~Ink~~ Ballpoint pens.
- (3) Oklahoma Voter Registration Application forms.
- (4) Address Information Requested handouts.
- (5) Provisional Ballot Voucher forms

230:35-5-31. Location and materials for Inspector

The Inspector is positioned beside the Clerk and near the voting device. Put these items at the Inspector's position.

- (1) ~~Ballot markers~~ Ballpoint pens.
- (2) Voting device.
- (3) ~~VOTING DEVICE HANDBOOK FOR PRECINCT OFFICIALS.~~

230:35-5-32. Preparation of voting device

Before the polls open, the Inspector follows these steps, with the help of the Judge and Clerk

as needed, to prepare the voting device.

- (1) Place the ballot box near an electrical outlet.
- (2) ~~Unlock both sides of the ballot box with the ballot box key. Open ballot box and remove the voting device, if voting device is locked inside ballot box, and the ballot box dividers. Follow the instructions in the eScan Election Day Desk Reference section of the Precinct Official Notebook to set up the ballot box, to attach the voting device to the ballot box, and to close and lock the emergency compartment of the ballot box..~~
- (3) ~~In view of the Judge, Clerk and any registered voters present, the Inspector confirms that the ballot box is empty. Turn the ballot box upside down or turn it on its side toward the witnesses so that they can see inside it. Follow the instructions in the eScan Election Day Desk Reference section of the Precinct Official Notebook to open the voting device case and to attach and plug in the power cord.~~
- (4) ~~Insert the dividers in the slots inside the ballot box. Make sure that the emergency compartment is closed and locked. Follow the instructions in the eScan Election Day Desk Reference to turn on the voting device, open the polls on the voting device, and to prepare the voting device to accept ballots.~~
- (5) ~~Close the ballot box. Lock both sides of the ballot box with the ballot box key.~~
- (6) ~~Unlock and open the flap on top of the ballot box that covers the openings for the center and rear compartments.~~
- (7) ~~Put a seal through the holes on the sides of the ballot box.~~
- (8) ~~Set the voting device on top of the ballot box and align it with the sides of the ballot box. Be sure that the ballot entry slot on the device faces the same direction as the front of the ballot box. Push the voting device back against the ballot slot tab. Lower the front of the voting device down onto the two alignment pins on the front corners of the ballot box. Be sure that the voting device is firmly seated on top of the ballot box.~~
- ~~(9) Unlock the door of the back panel of the voting device with the voting device key.~~
- ~~(10)~~ (5) ~~Check the number printed on the seal on the memory pack door MBB cup cover and verify that it is the same as the number recorded on the Voting Device Report.~~
- (6) ~~Check the voting device precinct number printed on the back of the voting device and on the luggage tag attached to the voting device and verify that it is the same as the precinct number recorded on the Voting Device Report that printed at the beginning of the Zero Tape. If either of these numbers does not match the numbers recorded on the Voting Device Report is not the correct number for this precinct, call the County Election Board office immediately.~~
- ~~(11) Plug the voting device into the electrical outlet. The voting device immediately starts printing the Zero Printout. DO NOT tear off the Zero Printout. It must remain attached to the voting device throughout the day.~~
- ~~(12) Verify that the Zero Printout contains a complete listing of all candidates and offices in the same order as on the sample ballot. Verify that all totals are "zero."~~
- ~~(13) If any vote totals appear on the Zero Printout, or if the candidates listed do not match those on the sample ballot, call the County Election Board office immediately.~~
- ~~(14) If the Zero Printout does not print automatically when the device is plugged in, try plugging the voting device into a different electrical outlet. If the Zero Printout still does not print, call the County Election Board office immediately.~~
- ~~(15) Check the front panel of the voting device. The red light indicates the power is on. The green light indicates the voting device is ready to accept ballots.~~

- ~~—(16) Close and lock the rear panel door. Put the voting device keys back in the voting device key envelope, but do not seal envelope.~~
- (7) Verify that the voting device console screen displays the Ready to Scan message.

230:35-5-32.1. Special instructions for preparing ballot box when heavy voter turnout is expected [REVOKED]

If voter turnout for the election is expected to be heavy and more than one three-column ballot is to be issued to voters in the precinct, the Secretary of the County Election Board may give the Inspector the following special instructions for preparing the ballot box when he or she receives supplies and ballots for the election. (See 230:35-5-17 and 230:35-5-17.1.) These instructions result in a larger space inside the ballot box for voted ballots:

- ~~—(1) Insert the first divider in the set of slots inside the ballot box marked “Emergency Bin.” These slots are located closest to the front of the ballot box. This divider forms the emergency bin.~~
- ~~—(2) If the second divider is enclosed in the ballot box, do not insert it in the second set of slots. (The second divider may not have been enclosed inside the ballot box.) Omitting the second divider creates a larger space for voted ballots inside the ballot box.~~
- ~~—(3) Put aside the unused second divider, if it was enclosed, in a secure place. Be certain to put the unused second divider back inside the ballot box at the end of the election day.~~
- ~~—(4) Check the public counter on the front of the voting device periodically during the day. This counter shows the number of ballots that have been inserted in the voting device since the polls opened. If the number on the public counter reaches 1500, call the County Election Board office immediately. If you fail to call the County Election Board when the public counter reaches 1500, the ballot box may become too full and cause the voting device to jam.~~
- ~~—(5) Follow carefully the instructions given by the County Election Board staff.~~

PART 7. GENERAL GUIDELINES

230:35-5-36. Primary function

The primary duty of a Precinct Official is to serve voters — to help eligible voters to vote and to make sure that all votes on properly marked ballots are cast and counted.

230:35-5-37. No member may leave polling place

Once the Precinct Officials arrive at the polling place, they may not leave until the Inspector is ready to go return to the County Election Board office that night after the polls close. However, if a telephone is not available at the polling place, the Inspector may need to leave to call the County Election Board office. With this one exception, all three Precinct Officials must remain on duty at the polling place from the time they arrive in the morning until all the day’s work is completed after the polls close.

230:35-5-38. Election results reported to news media

Sometimes ~~the~~ news media representatives contact Precinct Officials to report election results on election night. It is permissible, but not required, for Precinct Officials to do this. Under no circumstances may any election results be reported until after a ~~Totals Printout~~ Tally Report has been posted on the door of the polling place. If the Secretary of the County Election Board includes a special form in the election supplies to be used to report the precinct's results for the local news media, the Inspector completes it as instructed and returns it to the County Election Board office with the other election materials.

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

If members of the Precinct Election Board 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 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. ~~Specifically, the following actions are prohibited by law:~~

- ~~— (1) **Electioneering.** The law prohibits any person from electioneering *within 300 feet of any ballot box while an election is in progress.* [26:7-108] The law also prohibits any person, except election officials and persons who are voting or waiting to vote, from being allowed *within 50 feet of any ballot box while an election is in progress.* [26:7-108] The law further prohibits the posting or exposing of any printed material, other than that material provided by the County Election Board *within 300 feet of any ballot box while an election is in progress.* [26:7-108]~~
- ~~— (2) **Disclosure of vote.** It is unlawful for a voter to disclose to any other person how he voted or to expose his ballot to any person within the election enclosure. [26:7-109]~~
- ~~— (3) **Intoxicating liquors.** It is unlawful to take *intoxicating liquors of any kind or quantity to within one-half mile of any polling place on election day.* [26:7-110] The law prohibits any person from being *within 300 feet of a polling place in an intoxicated condition on election day.* [26:7-110]~~
- ~~— (4) **Voting ballots issued.** *No person shall vote any ballot except such ballot issued to him by the Precinct Election Board, and each ballot cast must be voted without removing same from the polling place.* [26:7-111] *Any unauthorized person who knowingly removes a ballot from a polling place or who knowingly carries a ballot into a polling place shall be deemed guilty of a felony.* [26:16-102.1]~~
- ~~— (5) **Persons authorized inside election enclosure.** *At no time during the hours of voting shall any person, other than the election officials and other persons authorized by law, be allowed inside the election enclosure except for one registered voter in each voting booth and one other registered voter for each voting booth.* [26:7-112] However, a news reporter or photographer may enter the election enclosure for no more than five minutes. [26:7-112]~~

230:35-5-40. Problems

When questions arise during the day, consult ~~THE MANUAL FOR PRECINCT ELECTION OFFICIALS~~ The Manual for Precinct Election Officials and the ~~PRECINCT PROBLEM SOLVER~~ Precinct Problem Solver sections of the Precinct Official Notebook for solutions. If

the answer cannot be found in these publications, or if the Precinct Officials are uncertain how to apply the information in these publications to the situation at hand, the Inspector should call the County Election Board office for advice.

230:35-5-41. Inspector's Notes to Secretary

The Inspector uses the Inspector's Notes to Secretary sheet in the ~~FORMS FOR USE BY PRECINCT OFFICIALS~~ booklet Forms section of the Precinct Official Notebook to record problems or questions that arise during the day. Even problems that are referred to the County Election Board Secretary for immediate remedy should be recorded on this sheet.

PART 9. OPENING THE POLLS

230:35-5-47. Before processing first voter

The Inspector, Judge and Clerk show their proof of identity, sign the Precinct Registry, and cast their ballots before processing the first voter. If a Provisional Voting Officer or a Registration Official has been assigned to the precinct, that person also votes before the first voter is processed. If a Precinct Official is not a registered voter in the precinct, however, that Precinct Official cannot vote.

PART 11. PROCESSING THE VOTER

230:35-5-53. Order of voting [REVOKED]

~~Voters are processed in the order in which they arrive in the voting enclosure. [26:7-113] While the polls are open, there should be at no time more than one voter in each voting booth and one voter waiting for each voting booth inside the voting enclosure. [26:7-112] The Inspector must keep order in the lines of voters outside the voting enclosure.~~

230:35-5-54. Time limit

A voter who is voting without assistance may stay in the voting booth for only five minutes. A voter who is voting with the help of an assistant may stay in the voting booth no longer than ten minutes. [26:7-121] A voter using the ATI device to vote an audio ballot may stay in the voting booth for as long as necessary to vote, review, and cast the audio ballot. Voters must leave the voting enclosure immediately after they finish voting.

230:35-5-55. Routine for Judge

(a) The Judge follows these routine steps to process voters. Refer to ~~the PRECINCT PROBLEM SOLVER~~ Precinct Problem Solver section of the Precinct Official Notebook for instructions in non-routine situations.

(1) Greet the voter and ask the voter's name. If this is a Primary or Runoff Primary, also ask the voter's political party.

(2) Find the voter's name in the Precinct Registry.

(3) Ask to see the voter's proof of identity. The person's name on the proof of identity must substantially conform to the name listed in the Precinct Registry. The voter may present any of the following documents as proof of identity.

(A) an Oklahoma driver license

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

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

(D) a state identification card (Exception: a state identification card issued to a person 65 years of age or older is valid indefinitely and does not have an expiration date. Such a card shall be accepted as proof of identity for the person to whom it was issued.)

(E) a United States passport

(F) a United States military identification

(G) 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 or an indication that the document does not expire.

~~(3) Find the voter's name in the Precinct Registry.~~

(4) Place a checkmark in the ID box beside the voter's name in the Precinct Registry to indicate that you saw the voter's proof of identity. If the voter does not have or refused to provide proof of identity, the vote may vote only by provisional ballot. See 230:35-5-177.

(5) If there is a message printed in the "Signature of Voter" column, follow the instructions in 230:35-5-113 or 230:35-5-113.1.

~~(5)~~(6) Tell the voter to sign the Precinct Registry. [26:7-114; 26:7-117]

~~(6)~~(7) If this is a school district election, look in the "School Dist" column in the Precinct Registry for the voter's school district assignment code. An asterisk beside the school district code indicates that the voter also is entitled to a ballot for a vocational-technical school district. Refer to the legend on the precinct school district map to determine the correct vocational-technical school district for this voter. If the is a technology center district election, look in the "TC" column for the voter's technology center district code. If either the "School Dist" or "TC" column is blank, see 230:35-5-113.2(a). If the voter believes that the wrong school district or technology center district is indicated-listed, see 230:35-5-113.2(b).

(7) If this is a municipal election, look in the "Muni" column in the Precinct Registry for the voter's municipal assignment code. If the "Muni" column contains the word "None," this voter's residence address is not located within the boundaries of a municipality in this precinct and the voter is not eligible to vote in a municipal election. If the "Muni" column is blank or if the voter disagrees with the municipal assignment, see 230:35-5-113.2.

(8) ~~Write~~ Refer to the Ballot Codes List provided by the County Election Board and write the code for each ballot the voter will receive in the "Ballots Issued" column of the Precinct Registry.

(9) Tell the Clerk the voter's political affiliation, as it appears in the Precinct Registry, and the elections in which the voter is voting.

(b) If the voter's name is not in the Precinct Registry or if the voter does not have an acceptable form of identification or refuses to provide proof of identity, the voter is entitled to cast a

provisional ballot. Refer the voter to the Inspector or to the Provisional Voting Officer. See 230:35-5-171. If a voter who is eligible to cast a provisional ballot refuses the offer of the provisional ballot and leaves the polling place without voting, record the incident on the Provisional Ballot Refusal form.

230:35-5-56. Routine for Clerk

The Clerk follows these routine steps to process voters. Refer to the ~~PRECINCT PROBLEM SOLVER~~ Precinct Problem Solver section of the Precinct Official Notebook in non-routine situations.

- (1) Give the voter a ballot for each election in which he or she is voting. [26:7-117]
- (2) Offer the voter a secrecy folder. Use of secrecy folders is not required.

230:35-5-57. Routine for Inspector

The Inspector follows these routine steps to process voters. Refer to the ~~PRECINCT PROBLEM SOLVER~~ Precinct Problem Solver section of the Precinct Official Notebook for instructions in non-routine situations.

- (1) Give the voter a ~~ballot marker~~ ballpoint pen.
- (2) Direct the voter to a vacant voting booth and ask the voter to read the Attention Voter poster in the voting booth.
- (3) Tell the voter that after marking the ballots in the privacy of the voting booth, he should place the voted ballot inside a secrecy folder, if used, and return to the voting device. [26:7-120]
- (4) When the voter returns to the voting device, tell the voter to feed the ballot into the voting device. Either end of the ballot may be fed first and the ballot may face up or down.
- (5) Retrieve the ~~ballot marker~~ ballpoint pen and secrecy folder, if used, from the voter.
- (6) If the voting device returns a ballot, ~~ask the voter to wait until the voting device message prints and the problem is resolved. See 230:35-5-159 through 230:35-5-162 for more information.~~ 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 eScan Election Day Desk Reference to resolve the problem. Do not spoil this 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 unmarked discarded ballots. If you find unmarked ballots discarded in a voting booth or other location within the voting enclosure, show them to the Judge and Clerk and then feed them into the voting device.
- (2) If you find marked ballots, show them to the Judge and Clerk and attach them to the

Inspector's Notes to Secretary sheet. Explain on the sheet that the ballot was found discarded in a voting booth or other location within the voting enclosure.

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

~~(3)~~(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.

230:35-5-59. Voter assistance

Some voters are entitled to special assistance while voting. Procedures for assisting these voters are located in "Assistance outside polling place for disabled voter" and the "Blind, physically disabled, or illiterate voter" sections of the PRECINCT PROBLEM SOLVER in the Precinct Problem Solver section of the Precinct Official Notebook (230:35-5-119 and 230:35-5-120.1).

PART 15. AFTER THE POLLS CLOSE

230:35-5-70. Closing the polls

At precisely 7 p.m. on election day, the Inspector announces that the polls are closed. Any registered voters who are in line to vote at 7 p.m. must be permitted to vote. [26:7-104] The Inspector must keep lines of voters orderly and secure. The Inspector shall make certain that all voters have finished voting and have fed their ballots into the voting device before obtaining the Totals Printout closing the polls on the voting device and obtaining the voting device reports. Follow the instructions in the eScan Election Day Desk Reference section of the Precinct Official Notebook to close the polls on the voting device and to print the required reports.

230:35-5-75.1. Obtaining ~~Totals Printout~~ Detail Report and Tally Report

After all voters who are in line at 7 p.m. have finished voting and have fed their ballots into the voting device, the Inspector unlocks the emergency compartment of the ballot box, takes out any ballots deposited there during the day, and feeds them into the voting device. See 230:35-5-154. The Inspector then follows ~~these steps to obtain the Totals Printout~~ the instructions in the eScan Desk Reference Section of the Precinct Official Notebook to obtain the required copies of the Detail Report and Tally Report.

(1) ~~Unlock the back panel of the voting device to reveal the key pad.~~

~~—(2) Press the "Print Totals" key. The device prints this message: "REQUEST TO CLOSE POLLS. (Print totals, no more ballots). PRESS 0 KEY IF THIS IS O.K. PRESS 9 KEY IF THIS IS NOT O.K."~~

~~—(3) Verify again that all voted ballots have been fed into the voting device and that it is after 7 p.m. The device cannot take any more ballots after this process starts.~~

~~—(4) Press the "0" key. The Totals Printout begins to print immediately.~~

(5) Tear the tape off the voting device when it finishes printing the ~~Totals Printout~~ first Tally Report.

(6) The Inspector, Judge, and Clerk sign the ~~Totals Printout~~ first Tally Report in the spaces provided at the end of the tape. This tape, which includes the ~~Zero Printout Report~~ from the morning, ~~all messages printed during the day, the Detail Report,~~ the first ~~Totals Printout,~~ Tally Report and the signatures of the Precinct Officials is the Official Election Returns for the precinct.

(7) Press the "Print Totals" key again to print another copy of the ~~Totals Printouts~~. ~~Print at least three more copies for a statewide election and at least two more copies for all other elections.~~ Print at least three more copies of the Tally Report for a statewide election and at least two more copies for all other elections. Print additional copies of the Detail Report only if so instructed by the Secretary of the County Election Board.

(8) Tear ~~the each~~ additional copies ~~copy~~ of the ~~Totals Printout~~ Tally Report off the device as ~~they finish printing and as it finishes printing and sign them~~ each copy in the spaces provided at the end of each report tape.

230:35-5-75.2. Securing the voting device

After printing the required number of ~~Totals Printouts~~ Tally Reports, the Inspector follows ~~these steps~~ the instructions in the eScan Election Day Desk Reference section of the Precinct Official Notebook, with the help of the Judge and Clerk as needed, to secure the voting device.

(1) ~~Unplug~~ Turn the power switch off and unplug power cord from the wall. Disconnect the power cord from the voting device.

(2) ~~Break the seal on the memory pack door and place it in the supply container.~~

~~(3) Open the memory pack door. Lift the memory pack lever and move it to the right. Pull the memory pack out of the voting device. Put the memory pack inside the padded bag and put the padded bag inside the Envelope for Totals Printout.~~

(4) ~~Fold the electrical cord and store it under the cover below the key pad area. Disconnect the power cord from the power brick and wrap both cords as necessary to replace them and the power brick in the storage compartment in the voting device case lid.~~

(5) ~~Close and lock the door on the back panel.~~ Replace the ATI device in its storage compartment on the voting device console. Replace the ATI headphones in their storage compartment in the voting device case lid.

(6) Close the voting device case lid and lock both locks with the square voting device key.

(7) Unlock and open the emergency compartment of the ballot box with the round ballot box key. If any ballots are found inside the emergency compartment, immediately remove them and place them inside the Envelope for Tally Report. Reach inside the emergency compartment and pull down the knob located on the underside of the ballot box top and then slide it toward the back of the ballot box. Remove the voting device from the ballot box by ~~team~~ lifting it straight up and off. ~~the~~ Carefully set it ~~the~~ voting device aside in a safe place.

~~(7) Break the seals on the ballot box and place them in the supply container.~~

(8) ~~Unlock and open the~~ Use the round ballot box key to unlock both locks on the main compartment of the ballot box, open the door, and secure it with the bungee cord hidden under the top rim of the ballot box.

(9) Take out all the ballots in the main compartment and pack them in ballot transfer cases.

If any ballots are found in the emergency compartment, immediately contact the County Election Board for instructions. Seal each ballot transfer box with clear packing tape and attach a long white State Election Board seal signed by the Inspector, Judge and Clerk.

~~(9) Follow the instructions provided by the Secretary of the County Election Board concerning the voting device and ballot box.~~

(10) Put the voting device key ring in the voting device key envelope and seal it. Put the voting device key envelope in the Envelope for ~~Totals Printout~~ Tally Report.

230:35-5-75.3. Completing election night tasks

(a) **Distribution of ~~Totals Printout~~ Tally Report.** Distribute the ~~Totals Printouts~~ Tally Reports as follows.

(1) Put the original ~~Totals Printout~~ Tally Report, which includes the Zero ~~Printout~~, ~~all messages, Report~~ and the first ~~Totals Printout~~ Tally Report, inside the Envelope for ~~Totals Printout~~ Tally Report.

(2) ~~Put~~ Post one copy on the polling place door.

(3) Put one copy inside ~~a~~ the ballot transfer case.

(4) If this is a statewide election, put one copy in the green envelope to mail to the State Election Board.

(b) **Voting Device Report.** The Inspector fills out the Voting Device Report and signs it. The Judge and Clerk also sign it. Put the ~~finished~~ signed Voting Device Report in the Envelope for ~~Totals Printout~~ Tally Report.

(c) **Ballot Accounting Form.** The Clerk fills out and signs the Ballot Accounting Form or Forms ~~and signs it~~. The Inspector and Judge also sign it the Ballot Accounting Form or Forms. Put the finished Ballot Accounting Form or Forms in the Envelope for ~~Totals Printout~~ Tally Report.

(d) **Packing unused ballots and sealing ballot transfer cases.** Pack all used and unused ballots in ballot transfer cases. If possible, pack unused ballots in a ballot transfer case separate from the voted ballots. Seal each ballot transfer case with clear packing tape and attach a long white State Election Board seal. Indicate on the seal if the case contains voted ballots, unused ballots, or a combination of voted and unused ballots. The Inspector, Judge, and Clerk all sign the long white State Election Board seal on each ballot transfer case.

(e) **Sealing the Envelope for ~~Totals Printout~~ Tally Report.** The Inspector verifies that the following items are inside the Envelope for ~~Totals Printout~~ Tally Report and then seals the envelope. The Inspector, Judge, and Clerk all sign the envelope flap.

(1) Original Totals Printout, which includes the Zero ~~Printout~~, ~~all messages printed during the election, Report,~~ the first Totals Printout, and the signatures of the Inspector, Judge, and Clerk.

(2) ~~Memory pack in the padded bag.~~

~~(3) Voting device key envelope.~~

~~(4)~~ (3) Ballot Accounting Form or Forms.

~~(5)~~ (4) Voting Device Report.

(5) Uncounted ballots that were found in the emergency compartment of the ballot box after the polls were closed on the voting device and the Detail and Tally Reports were printed.

(6) Any other forms or materials as instructed by the Secretary of the County Election Board.

(f) **Precinct Expense Claim Envelope.** The Judge and Clerk sign the Precinct Expense Claim Envelope and receive their vouchers from the Inspector. Vouchers may not be distributed under any circumstance until after the polls close. [26:3-105.1(c)]

(g) **Provisional Ballot Bag.** The Inspector or the Provisional Voting Officer shall complete the following steps.

- (1) Put the Provisional Ballot Roster in the large, clear plastic pocket on the orange Provisional Ballot Bag.
- (2) Make certain that all completed Provisional Ballot Affidavit Envelopes are inside the Provisional Ballot Bag.
- (3) Zip the bag and seal it with the blue plastic seal.
- (4) Pack any unused provisional ballot materials and supplies as instructed by the County Election Board Secretary.
- (5) Place the sealed Provisional Ballot Bag, the packed supplies, and any Oklahoma Voter Registration Application forms completed by provisional voters with the other materials that the Inspector returns to the County Election Board office.

230:35-5-76. Repacking supplies

The Inspector, Judge, and Clerk repack all election supplies into the same container in which they were received. Use the following list while repacking to verify that all supplies and materials are accounted for.

- (1) Used signs (Vote Here, Oklahoma Election Procedures — Important Voter Information, Election Law Violations, and Attention Voter, if applicable) and sample ballots.
- (2) ~~FORMS FOR USE BY PRECINCT ELECTION OFFICIALS~~ booklet.
- ~~—(3) THE MANUAL FOR PRECINCT ELECTION OFFICIALS.~~
- ~~—(4) PRECINCT PROBLEM SOLVER.~~
- ~~—(5) VOTING DEVICE HANDBOOK FOR PRECINCT OFFICIALS.~~ Precinct Official Notebook.
- (6) Used and unused Oklahoma Voter Registration Application forms.
- (7) Secrecy folders.
- (8) ~~ink~~ Ballpoint pens.
- (9) Remaining paper clips, rubber bands, thumbtacks, and tape.
- (10) Scissors.
- (11) ~~Broken seals from memory pack door and ballot box sides.~~
- ~~—(12) Unused Oklahoma Provisional Ballot Affidavit envelopes, secrecy envelopes, handouts and other materials and supplies.~~
- (13) All other remaining reusable supplies.

230:35-5-79. Inspector returns to the County Election Board office

(a) **Inspector's items.** After all the work is completed, the Inspector returns to the County Election Board office with the following items.

- (1) Voting device (~~only if instructed by Secretary~~).
- (2) Envelope for ~~Totals Printout~~ Tally Report.
- (3) Election supplies.

- (4) American flag.
- (5) Precinct Registry or Registries.
- (6) Precinct Expense Claim Envelope and any unclaimed vouchers.
- (7) Sealed ballot transfer cases.
- (8) Sealed orange Provisional Ballot Bag.
- (9) Green Envelope with Totals Printouts (statewide elections only).

(b) **Green Envelope.** If this is a statewide election, the Inspector mails the green envelope to the State Election Board on the way to the County Election Board office.

(c) **At the County Election Board office.** At the County Election Board office, the Inspector turns over ~~all~~ the voting device, the ballots, and the election supplies and materials to County Election Board personnel. [26:7-133]

230:35-5-81. Inspector shall not leave

The Inspector may not leave the County Election Board office until all the supplies and materials for his precinct have been received and verified by County Election Board personnel.

PART 19. PRECINCT PROBLEM SOLVER

230:35-5-105. Publication of ~~PRECINCT PROBLEM SOLVER~~ Precinct Problem Solver

Prepared by the staff of the State Election Board for use by County Election Board Secretaries, Precinct Officials and other election personnel, the ~~PRECINCT PROBLEM SOLVER~~ Precinct Problem Solver section of the Precinct Official Notebook is intended to complement other publications of the State Election Board. The ~~PRECINCT PROBLEM SOLVER~~ Precinct Problem Solver includes the rules contained in Parts 19 through 29 of this Subchapter.

PART 21. VOTERS LISTED IN PRECINCT REGISTRY WHO HAVE PROBLEMS WITH ELIGIBILITY

230:35-5-113.2. Determining voter's school district or municipality

(a) The school district in which a voter is eligible to vote is listed in the column labeled "School Dist" in the Precinct Registry. ~~An asterisk beside the school district indicates that the voter also is entitled to a ballot for the corresponding technology center school district. A list of school districts and corresponding technology center school districts in the precinct is included in the legend on the precinct school district map. The technology center district in which the voter is~~ eligible to vote is listed in the column labeled "TC." The Judge refers to the Ballot Codes List provided by the Secretary and writes the appropriate school district and technology center school district ~~ballot~~ codes in the "Ballot Issued" column in the Precinct Registry and tells the Clerk the elections in which the voter is voting.

(b) The municipality in which a voter is eligible to vote is listed in the column labeled "Muni" in

the Precinct Registry. If the word "None" appears in the "Muni" column, the voter does not reside within the boundaries of a municipality and is not eligible to receive a municipal ballot. If the municipality nominates and elects its officers by ward, the municipal code in the "Muni" column will include a numeral to indicate the ward number to which the voter's residence is assigned. The Judge writes the municipal code and the appropriate municipal ballot codes in the "Ballot Issued" column in the Precinct Registry and tells the Clerk the elections in which the voter is voting.

(c) The "School Dist" "TC," and/or the "Muni" column in the Precinct Registry is blank for some voters. The Judge follows these steps when the voter's school district or municipal code is not indicated.

- (1) Show the voter the precinct school district or municipal map.
- (2) Ask the voter to find his residence on the map and to determine from the map the school district and/or municipality in which he or she lives.
- (3) If a technology center school district also is holding an election in the precinct, determine the corresponding technology center district from the information in the legend on the map.
- (4) If the municipality is holding an election in one or more wards, ask the voter also to determine from the municipal map the ward in which he or she lives.
- (5) Tell the voter to sign the Precinct Registry ~~over the message in the signature space.~~
- (6) Write the school district, technology center district, and/or municipal ballot codes in the "Ballot Issued" column.
- (7) Tell the Clerk the elections in which the voter is voting.
- (8) Return to the routine procedure.

(d) If a voter tells you that the school district, technology center district, or municipality indicated in the Precinct Registry is incorrect, the Judge follows these steps.

- (1) Show the voter the ~~precinct~~ school district or municipal map for the precinct.
- (2) Ask the voter to find his residence on the map and to determine from the map the school district, technology center district, or municipality in which he or she lives.
- (3) If the voter says that the map is incorrect, the voter is entitled to cast a provisional ballot. Fill out a Provisional Ballot Voucher indicating the school district, technology center district, or municipality in which the voter claims to reside and tell the voter to take it to the Inspector or the Provisional Voting Officer.

PART 23. VOTER ASSISTANCE

230:35-5-119. Assistance outside the polling place for physically disabled or infirm voter

(a) A voter who comes to the polling place but who cannot come inside to vote because of a physical disability or infirmity is entitled to vote outside the polling place assisted by two Precinct Officials. [26:7-123.1] If the voter is only visually disabled, this procedure does not apply. [26:7-123.1]

(b) Precinct Officials use this procedure when they learn that a physically disabled or infirm voter is outside wanting to vote. Before going outside to help the voter, the Precinct Officials must stop processing voters inside the polling place.

- (1) The Inspector tells the Judge to stop allowing voters to sign the Precinct Registry.

(2) After all the voters who already have signed the Precinct Registry finish voting, the Inspector and one of the other Precinct Officials go outside to help the voter. The Inspector and the other Precinct Official must be registered to vote in different political parties.

(3) The Inspector and the other Precinct Official take these items outside with them to assist the voter.

(A) Precinct Registry

(B) Ballots

(C) Secrecy folder

(D) ~~FORMS FOR USE BY PRECINCT ELECTION OFFICIALS~~ booklet

(E) ~~MANUAL FOR PRECINCT ELECTION OFFICIALS~~

(F) ~~PRECINCT PROBLEM SOLVER~~ Precinct Official Notebook

(G)-(E) Oklahoma Voter Registration Application form

(H)-(F) Address Information Requested handout

(4) The Precinct Official who stays inside the polling place does not allow any voters to ~~vote~~ sign the Precinct Registry or receive ballots while the Inspector and the other Precinct Official are outside.

(c) The Inspector and the other Precinct Official follow this procedure when they go outside to help the voter.

(1) The Inspector reads this oath to the voter: "Do you swear or affirm that you cannot enter the polling place to cast your ballot today because of a physical disability or infirmity? Do you further swear or affirm that the disability or infirmity is not a visual disability?"

(2) The other Precinct Official finds the voter's name in the Precinct Registry, asks to see the voter's proof of identity, and places a checkmark in the ID box beside the voter's name. The voter signs the Precinct Registry if able to do so. If the voter cannot sign the Precinct Registry, the other Precinct Official prints the voter's name in the Precinct Registry and writes his own initials beside the voter's printed name.

(3) If the Precinct Registry contains either the "Confirm Address" or "Insufficient Address" message, give the voter the Address Information Requested handout and the Oklahoma Voter Registration Application form. See 230:35-5-113.1.

(4) If the voter can mark the ballot without assistance, the Precinct Officials allow the voter to do so. The Precinct Officials allow the voter as much privacy as possible to mark the ballot in secret. The voter puts the ballot in the secrecy folder.

(5) If the voter cannot mark the ballot, the voter chooses an assistant. The voter's assistant may be the other Precinct Official or any other person the voter wants. However, the Inspector cannot be the voter's assistant.

(6) The Inspector reads this oath to the voter's assistant. "Do you swear or affirm that you are not the voter's employer or an agent of the voter's employer? [26:7-123.3] Do you swear or affirm that you are not an officer or agent of the voter's union? [26:7-123.3] Do you swear or affirm that you will mark the voter's ballot or help the voter mark the ballot according to the voter's wishes?" [26:7-123.3]

(7) The voter's assistant marks the voter's ballot as the voter instructs. The Precinct Officials allow the voter and the voter's assistant as much privacy as possible to mark the ballot in secret. The voter's assistant puts the ballot in the secrecy folder.

(8) The Inspector prints the names of the voter and the voter's assistant on the Voter Assistance Form and puts a check mark in the "Physically Disabled Voter (Other Than

Visual) Who Cannot Enter Polling Place" column.

(9) If the voter marked his or her own ballot, the other Precinct Official signs the Voter Assistance Form. If the voter did not mark his or her own ballot, the voter's assistant and the other Precinct Official shall sign the Voter Assistance Form. If the other Precinct Official served as the voter's assistant, he or she shall sign the Voter Assistance Form only in the column labeled "Precinct Official Who Takes Ballots Outside Polling Place." The Inspector signs the Voter Assistance Form in the space provided at the bottom of the form.

(10) The Precinct Officials go back inside the polling place. The Inspector, using the secrecy folder and with the other two Precinct Officials watching, immediately puts the ballot in the voting device.

(11) Return to the routine procedure.

230:35-5-120.1. Assistance inside the polling place for blind or visually disabled voters, physically disabled voters, or illiterate voters

Some voters need assistance to vote because they are blind or visually disabled, physically disabled or infirm, or illiterate. Such voters must always be offered the opportunity to vote privately and independently using the ATI device attached to the voting device. ~~When a voter needs assistance to vote,~~ If a voter chooses not to use the ATI, however, the Precinct Officials follow this procedure.

(1) The Inspector reads the one of the following oaths that is appropriate for the voter.

(A) **Oath for blind or visually disabled voter.** "Do you swear or affirm that you need assistance to vote because you are blind or visually disabled?"

(B) **Oath for physically disabled voter.** "Do you swear or affirm that you need assistance to vote because you are physically disabled?"

(C) **Oath for illiterate voter.** "Do you swear or affirm that you need assistance to vote because you are unable to read or write?"

(2) The voter chooses an assistant. The assistant may be anyone the voter wants, including the Judge or the Clerk, but not the Inspector.

(3) The Inspector reads this oath to the voter's assistant. "Do you swear or affirm that you are not the voter's employer or an agent of the voter's employer? Do you swear or affirm that you are not an officer or agent of the voter's union? Do you swear or affirm that you will mark the ballot or help the voter mark the ballot according to the voter's wishes?"

(4) The voter signs the Precinct Registry if he can. If the voter cannot sign the Precinct Registry, the Judge prints the voter's name in the Precinct Registry and then writes his own initials beside the voter's printed name.

(5) The Clerk issues the appropriate ballot to the voter.

(6) The Inspector prints the names of the voter and the voter's assistant on the Voter Assistance Form and puts a check mark in the appropriate column to describe the reason the voter needed assistance.

(7) The Inspector and the voter's assistant both sign the Voter Assistance Form.

(8) The voter and the voter's assistant go into a voting booth to mark the voter's ballot.

(9) The voter and the assistant return to the voting device after marking the ballot and put the ballot in the voting device.

PART 25. SPECIAL SERVICES

230:35-5-127. Spoiled ballots

(a) A spoiled ballot is a ballot that the voter marks incorrectly, ~~a ballot that the voting device cannot read~~, or a ballot that is defaced or damaged by the voter or by the voting device. Before spoiling a ballot, the Inspector must verify that the voting device console screen is not displaying an error code that would indicate the ballot has already been read. See 230:35-5- .

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

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

230:35-5-129. Cancellation of registration of deceased voter

The next of kin of a deceased voter may cancel the deceased voter's registration at the polling place on election day. [26:4-120.3] The decision to cancel such a registration belongs to the next of kin. The Inspector follows this procedure if the next of kin chooses to cancel the registration.

- (1) Print the following information on the green Cancellation of Registration of Deceased Voter form.
 - (A) Precinct number.
 - (B) Today's date.
 - (C) The deceased voter's name, residence address, and birth date.
- (2) Ask the next of kin to read the Cancellation of Registration of Deceased Voter form and to sign it if all the information is correct.
- (3) Sign the form; and indicate your title, ~~and date the form~~.

PART 27. WATCHERS AND POLLSTERS

230:35-5-134. Watchers [REVOKED]

~~(a) Watchers sometimes are commissioned by a candidate or a political party to watch the voting device used in the precinct. [26:7-130] The Secretary of the County Election Board tells the Inspector that a Watcher will be in the precinct when the Inspector picks up the ballots and supplies for the election. If the Secretary does not tell the Inspector about a Watcher, then no one can be a Watcher in the precinct.~~

~~(b) The Watcher follows these rules:~~

- ~~—(1) The Watcher must arrive at the polling place no later than 6:30 a.m. to watch the voting device before the polls open.~~
- ~~—(2) The Watcher must take an oath.~~
- ~~—(3) The Watcher only watches the voting device before the polls are opened and after the polls are closed:~~
 - ~~—(A) Before the polls open, the Watcher may watch the Precinct Officials prepare the voting device and watch while the zero tape prints.~~
 - ~~—(B) After the polls close, the Watcher may watch the Totals Tapes print and may watch while the Precinct Officials secure the voting device, memory pack and ballots.~~
- ~~—(4) The Watcher cannot stay at the polling place all day.~~
- ~~—(5) The Watcher must return to the polling place by 7 p.m. to watch the voting device after the polls close.~~
- ~~—(6) The Watcher cannot give any information about the voting device count to anyone before the Inspector posts a copy of the Totals Printout on the polling place door.~~
- ~~(c) The Inspector places the Watcher under this oath. "Do you swear or affirm that you will abide by all the laws and rules prescribed for Watchers? Do you swear or affirm that you will limit yourself to watching the voting device before the polls are opened and after the polls are closed? Do you swear or affirm that you will not stay at the polling place at other times?"~~
- ~~(d) A Watcher may come to the polling place with County Election Board personnel to watch any voting device repairs made during the election day. A Watcher who comes to the polling place to watch voting device repairs already has been placed under oath by the County Election Board Secretary.~~
- ~~(e) Any Watcher who violates the law prescribed for Watchers shall be deemed guilty of a misdemeanor. [26:7-130] Any person deemed guilty of a misdemeanor under the provisions of state election law shall, upon conviction, be confined to the county jail for not more than one year or fined not more than \$10,000.00 or both. [26:16-110]~~

230:35-5-136. Pollsters [REVOKED]

- ~~(a) A Pollster is someone authorized to conduct an exit poll on election day within 300 feet of a ballot box. [26:7-108.1] The Secretary of the County Election Board tells the Inspector when the Inspector picks up ballots and supplies for the election that a Pollster will be at the polling place. If the Secretary does not tell the Inspector about a Pollster, no one can conduct an exit poll within 300 feet of the ballot box. The Inspector should have no contact with a Pollster unless it seems the Pollster violates one of the following rules:~~
- ~~(b) A Pollster follows these rules:~~
 - ~~—(1) The Pollster wears the orange Pollster identification badge provided by the Secretary of the County Election Board at all times while conducting the exit poll. [26:7-108.2]~~
 - ~~—(2) The Pollster obeys Oklahoma laws against electioneering. [26:7-108.3] See 230:35-5-141 through 230:35-5-146.~~
 - ~~—(3) The Pollster stays more than 50 feet away from the ballot box at all times. [26:7-108.3]~~
 - ~~—(4) The Pollster uses only written polling materials within 150 feet of the ballot box. [26:7-108.4]~~
 - ~~—(5) The Pollster conducts oral interviews with voters and/or electronically records comments of voters more than 150 feet from the ballot box.~~
 - ~~—(6) The Pollster approaches only voters who have finished voting about participating in the exit poll.~~

~~(c) Participation in an exit poll by a voter is voluntary. [26:7-108.5]~~

~~(d) A Pollster who violates the law prescribed for Pollsters shall be deemed guilty of a misdemeanor. [26:7-108.3] Any person deemed guilty of a misdemeanor under provisions of state election law shall, upon conviction, be confined to the county jail for not more than one year or fined not more than \$10,000.00 or both. [26:16-110]~~

PART 29. VIOLATIONS OF THE LAW

230:35-5-141. Electioneering prohibited [REVOKED]

~~No person shall be allowed to electioneer within 300 feet of any ballot box while an election is in progress, nor shall any person or persons, except election officials and other persons authorized by law, be allowed within 50 feet of any ballot box while an election is in progress. [26:7-108] No printed material other than that provided by the Election Board shall be publicly placed or exposed within 300 feet of any ballot box, while an election is in progress. [26:7-108]~~

230:35-5-142. Disclosure of vote prohibited [REVOKED]

~~No person shall, within the election enclosure, disclose to any other person how he voted; nor shall any person expose his ballot to any other person. [26:7-109]~~

230:35-5-143. Intoxicating liquor prohibited [REVOKED]

~~No person shall take intoxicating liquors of any kind or quantity to within one-half mile of any polling place on an election day. [26:7-110] No person shall attend an election or be within 300 feet of a polling place in an intoxicated condition on an election day. [26:7-110]~~

230:35-5-144. Voting ballots issued [REVOKED]

~~No person shall vote any ballot except such ballot issued to him by the Precinct Election Board, and each ballot cast must be voted without removing same from the polling place. [26:7-111] Any unauthorized person who knowingly removes a ballot from a polling place or who knowingly carries a ballot into a polling place shall be deemed guilty of a felony. [26:16-102.1]~~

230:35-5-145. Persons authorized inside election enclosure [REVOKED]

~~(a) At no time during the hours of voting shall any person, other than the election officials and other persons authorized by law, be allowed inside the election enclosure except for one registered voter in each voting booth and one other registered voter for each voting booth. [26:7-112]~~

~~(b) A news reporter or photographer may enter the election enclosure for no more than five minutes. [26:7-112] While inside the election enclosure, the reporter or photographer shall not interfere with Precinct Officials performing their duties or with voters waiting in the line or voting. [26:7-112] The reporter or photographer may neither observe nor photograph a voter~~

~~while the voter marks the ballot. [26:7-112] A reporter may not see a voter's marked ballot and a marked ballot may not be photographed in such a way that the voter's choices can be determined. See 230:35-5-142. [26:7-109]~~

230:35-5-146. Action when laws are violated

If a Precinct Official sees or suspects an election law violation, the Inspector takes only the following steps. The Inspector never attempts to enforce the law under any circumstances.

(1) ~~If THE MANUAL FOR PRECINCT ELECTION OFFICIALS describes~~ If the suspected violation is described in The Manual for Precinct Election Official section of the Precinct Official Notebook, take only these steps.

(A) Tell the person involved that the action is against the law.

(B) Read what ~~THE MANUAL FOR PRECINCT ELECTION OFFICIALS~~ The Manual for Precinct Election Officials section of the Precinct Official Notebook says about the violation, if necessary. Tell the person that this is the law.

(C) Call the Secretary of the County Election Board immediately if the person continues the action that violates the law.

(2) ~~If THE MANUAL FOR PRECINCT ELECTION OFFICIALS~~ The Manual for Precinct Election Officials section of the Precinct Official Notebook does not describe the possible violation, the Inspector calls the Secretary of the County Election Board immediately.

PART 31. MALFUNCTION OF VOTING DEVICE

230:35-5-150. Publication of VOTING DEVICE HANDBOOK FOR PRECINCT OFFICIALS [REVOKED]

~~The State Election Board staff has prepared the VOTING DEVICE HANDBOOK FOR PRECINCT OFFICIALS for use by County Election Board Secretaries, Precinct Officials, and other election personnel. This publication contains instructions for Precinct Officials to follow to operate the voting device and to resolve problems with the voting device during the course of the election day. The VOTING DEVICE HANDBOOK FOR PRECINCT OFFICIALS includes rules from Parts 5, 17, 31 and 33 of this Subchapter.~~

230:35-5-151. Voting device stops accepting ballots [REVOKED]

~~(a) If the voting device malfunctions, the green "ready" light goes off and it stops accepting ballots. The Inspector follows this procedure if the voting device stops accepting ballots:~~

~~—(1) Check to see if the voting device printed a message relating to the malfunction. If it printed a message, follow any instructions included in the message. If the voting device did not print a message, open the emergency compartment of the ballot box. See 230:35-5-153.~~

~~—(2) Tell voters to put their voted ballots in the emergency compartment of the ballot box.~~

~~Use the emergency compartment and continue processing voters until the device is repaired.~~

~~—(3) Call the County Election Board office to report the malfunction. Report any message printed by the voting device about the malfunction.~~

~~(b) If both the green "ready" light and the red "power" light go off, the voting device is no longer receiving electricity. Check to see that the power cord is still properly plugged into the electrical~~

~~outlet. If the device is plugged in, follow the procedure outlined in (a) of this Section.~~

230:35-5-153. Emergency compartment of ballot box [REVOKED]

~~(a) If the voting device malfunctions, open the emergency compartment of the ballot box and use it until the voting device is repaired.~~

~~— (1) Unlock and open the emergency compartment door with the ballot box key. Open the emergency compartment ballot slot, then relock the emergency compartment.~~

~~— (2) Tell voters to put their voted ballots in the emergency compartment until the voting device is repaired.~~

~~— (3) When the voting device is repaired and both the green and red lights are on, unlock the emergency compartment, close the ballot slot and relock it.~~

~~(b) Leave all ballots deposited in the emergency compartment in the emergency compartment until it is after 7 p.m. and the last voter has finished voting. After 7 p.m. and after the last voter has finished voting, open the emergency compartment again, remove all the ballots and insert them in the voting device. See 230:35-5-154.~~

230:35-5-154. Removing ballots from emergency compartment [REVOKED]

~~— If the emergency compartment of the ballot box is used at any time during the day, follow this procedure after 7 p.m. and after the last voter has finished voting.~~

~~— (1) The Inspector unlocks and opens the emergency compartment.~~

~~— (2) The Judge removes all ballots in the emergency compartment.~~

~~— (3) The Inspector relocks the emergency compartment.~~

~~— (4) The Clerk inserts the ballots one at a time into the voting device.~~

~~— (5) If the voting device returns a ballot, the Clerk activates the override button to accept the ballot.~~

PART 33. OPERATION OF VOTING DEVICE

230:35-5-159. Voting device messages [REVOKED]

~~The voting device may print messages on the device tape during the day. These messages usually concern a problem with the ballot just inserted into the device. If the voting device returns a ballot or starts to print a message, ask the voter who inserted the ballot to wait. Most voting device messages describe the problem and include steps to solve the problem. The Inspector responds to all voting device messages. The most common voting device messages are listed in 230:35-5-160. If the instructions included in the voting device message and in 230:35-5-160 do not seem to solve the problem, the Inspector should call the County Election Board office for further instructions.~~

230:35-5-160. Responding to voting device messages [REVOKED]

~~(a) The Inspector responds to all voting device messages. These are the most common voting device messages.~~

- (1) ~~Messages concerning ballot readability.~~ Some common voting device messages concern ballots that the voting device cannot read.
 - (A) ~~UN-VOTED BLANK BALLOT!~~ This message means that the voting device cannot detect any valid markings on the ballot. The voting device returns the ballot. The voter either did not vote the ballot or the voter marked the ballot incorrectly. Explain valid markings to the voter and ask the voter to correct the ballot.
 - (B) ~~OVER-VOTED BALLOT!~~ This message means that the voting device detects too many valid markings for a single office or question. The voting device returns the ballot. Tell the voter that he apparently voted for more than one candidate for the same office or voted both "yes" and "no" on a question. Tell the voter to take the spoiled ballot back to the Clerk and get a new ballot.
 - (C) ~~SECURITY CODE ID DOES NOT MATCH.~~ This message means that the security code on the ballot does not match the voting device's programming. The voter may have marked in the ballot's security code area. Tell the voter to take the spoiled ballot back to the Clerk and get a new ballot.
 - (D) ~~STARTBAR DETECT: ERROR READING BALLOT. (STARTBAR DETECT) OR (STARTBAR GAPPED).~~ The cause of this message is unknown. The voting device returns the ballot. When this message prints, remove the ballot and insert it again in another orientation. DO NOT use the override button to accept the ballot when this message prints. (The voting device will not count this ballot if the override button is used.) If the message prints again when the ballot is reinserted, treat the ballot like a spoiled ballot. Tell the voter to take the spoiled ballot back to the Clerk and get a new ballot.
 - (2) ~~Ballots stuck inside the voting device.~~ If ballots stick inside the voting device often, call the County Election Board office for instructions. Some common messages concern ballots that stick inside the voting device.
 - (A) ~~THERE IS PROBABLY A BALLOT STUCK IN THE BALLOT PATH. TURN OFF THE POWER, REMOVE THE BALLOT, TURN THE POWER BACK ON, AND RE-FEED THE BALLOT.~~ Before removing this stuck ballot, unplug the voting device as a safety precaution. The device will not be damaged and the vote tally will not be affected by the brief loss of power. Remove the stuck ballot and examine it for damage before reinserting it. If the ballot is damaged, tell the voter to take the spoiled ballot back to the Clerk and get a new ballot. Plug the voting device in again. It will print messages about the power interruption and then will print the following message: ~~BALLOT REMOVED. RETURN TO VOTER OR ISSUE NEW BALLOT AND HAVE VOTER RE-MAKE THE BALLOT. * * * BALLOT HAS NOT BEEN PROCESSED * * *~~
 - (B) ~~BALLOT APPEARS TO BE STUCK IN THE REAR OUTPUT SLOT. IT COULD BE STUCK OR THE BIN MAY BE FULL. MAKE SURE THE BALLOT HAS CLEARED THE MACHINE AND IS IN THE REAR BIN*****BALLOT HAS BEEN PROCESSED!!!*****~~ Lift the voting device off the ballot box. The ballot may fall into the bin when the device is lifted. If it does not, remove the ballot and put it in the rear bin. If this message prints frequently, call the County Election Board office for further instructions.
- (b) Most voting device messages include instructions for solving the problem. Read the entire message before taking any action. Call the County Election Board office for more instructions if the steps described in the message do not solve the problem. If ballots stick frequently during the day, call the County Election Board office.

230:35-5-161. Ballots returned by voting devices [REVOKED]

~~(a) **Reasons for returned ballots.** The voting device returns a ballot to the voter in certain circumstances. If the voting device detects no valid marking on the ballot, it returns the ballot immediately. Also, if the voting device detects arrows marked for more than one candidate in the same race or arrows marked for both "yes" and "no" for a question, the voting device returns the ballot immediately.~~

~~(b) **Message printed.** When the voting device returns a ballot, it also prints a message on the device tape describing the reason for returning the ballot.~~

~~(c) **Inspector's role.** The Inspector follows this procedure when the voting device returns a ballot.~~

~~— (1) Ask the voter to wait.~~

~~— (2) Read the message and refer to the VOTING DEVICE HANDBOOK FOR PRECINCT OFFICIALS if necessary.~~

~~— (3) Tell the voter the reason the ballot was returned and explain to the voter how to correct the problem.~~

~~— (4) Ask the voter to remove the ballot from the voting device and to return to the voting booth to correct the ballot.~~

~~— (5) Tell the voter to obtain a new ballot from the Clerk, if necessary.~~

~~(d) **Ballot secrecy maintained.** Maintain the secrecy of the voter's ballot at all times. Most problems can be solved without looking at the voter's marked ballot. Do not handle the ballot or look at the ballot without the voter's permission.~~

230:35-5-162. Override button [REVOKED]

~~(a) **Use of override button.** If the voting device returns a ballot to the voter because it is blank or because it is over-voted, and if the voter insists that the ballot be accepted as it is, the override button may be activated. Use the override button only in the event that a voter insists that a ballot returned by the device be accepted unchanged.~~

~~(b) **Procedure.** Follow these steps to use the override button.~~

~~— (1) Leave the returned ballot in the voting device.~~

~~— (2) Press the "3" key on the back panel of the voting device. The voting device accepts the ballot and prints the following message: "REQUEST TO READ AND ACCEPT O.K."~~

~~— (3) Return to the routine procedure.~~

PART 34. PROVISIONAL VOTING PROCEDURES

230:35-5-172. Voter with no proof of identity

A voter who does not have or who refuses to provide proof of identity is entitled to cast a provisional ballot. Follow the provisional voting procedure in 230:35-5-177.

230:35-5-174. Voter disputes school district, technology center district, or municipal assignment in Precinct Registry

A voter who disputes the school district, technology center district, or municipal assignment indicated in the Precinct Registry is entitled to cast a provisional ballot for the school or technology center district or municipality in which the voter claims to reside. Follow the provisional voting procedure in 230:35-5-177.

230:35-5-176. Filling out a Provisional Ballot Voucher

The Judge shall fill out a Provisional Ballot Voucher for every voter who will cast a provisional ballot. Do not send a voter to the Inspector or Provisional Voting Officer without a voucher. Write ~~the ballots to be issued to the voter~~ all the information requested on the voucher in the spaces provided for it.

- (1) Write the voter's name exactly as it appears in the Precinct Registry.
- (2) Write the voter's residence address exactly as it appears in the Precinct Registry.
- (3) Write the ballot codes for ballots to be issued to the voter in the space provided.
- (4) Circle "Yes" or "No" beside "Proof of Identity?" to indicate whether or not you saw the voter's proof of identity.

230:35-5-177. Provisional voting procedure

The Inspector or the Provisional Voting Officer greets the voter and follows these steps to help the voter cast a provisional ballot.

- (1) Take the Provisional Ballot Voucher from the voter. If the voter did not receive a Provisional Ballot Voucher from the Judge, send the voter to the Judge for a Provisional Ballot Voucher.
- (2) Give the voter a copy of the Provisional Voting Information handout.
- (3) Tell the voter that if County Election Board personnel cannot verify the voter's registration in this precinct, the provisional ballot will not be counted.
- (4) Give the voter an Oklahoma Voter Registration Application form and ask the voter to fill it out and sign it. A voter is not required to complete the registration application to receive a provisional ballot but should be encouraged to do so. Tell the voter that filling out and turning in a new voter registration application may prevent the need to vote by provisional ballot in future elections. If the voter completes the application, set it aside in a secure place.
- (5) Fill out an Oklahoma Provisional Ballot Affidavit envelope for the voter.
 - (A) Write the county name, election date, ~~county name~~, and precinct number in the spaces provided at the top of the affidavit.
 - (B) Write the voter's name and residence address on the affidavit exactly as they appear on the Provisional Ballot Voucher.
 - (C) Ask the voter for the following information and write it on the affidavit in the appropriate spaces.
 - ~~(i)~~ name
 - ~~(ii)~~ residence address
 - ~~(iii)~~ (i) date of birth
 - ~~(iv)~~ (ii) Oklahoma driver license number, if available
 - ~~(v)~~ (iii) last four digits of Social Security number
 - ~~(vi)~~ (iv) political affiliation
 - ~~(C)~~ (D) Place a checkmark beside the appropriate statement of the reason the voter is casting a provisional ballot. Note the following special instructions for some of the listed

reasons.

- (i) Voter with proof of identity problems.** If the voter does not have proof of identity, or refuses to provide proof of identity, or if the voter's current name on an otherwise valid proof of identity document does not substantially conform to the name in the Precinct Registry, ask the voter to read the first statement on the affidavit and the oath before signing the affidavit.
- (I) If the voter's current name on his or her otherwise valid proof of identity document does not substantially conform to the voter's name in the Precinct Registry, ask the voter to complete and submit an Oklahoma Voter Registration Application form to change his or her name for voter registration purposes.
- (II) If the voter indicates that his or her current residence address is different from the residence address shown in the Precinct Registry, ask the voter to complete and submit an Oklahoma Voter Registration Application form to change his or her residence address for voting purposes.
- ~~(i)~~ **(ii) Voter Not in Precinct Registry.** If the voter offers any information about where and when ~~he/she~~ he or she may have registered, last voted, or another name under which ~~he/she~~ he or she may be registered, record the information in the spaces provided. If the voter has a voter identification card, take it and attach it with a paperclip to the voter registration application form. Ask the voter to complete and turn in a new Oklahoma Voter Registration Application form.
- ~~(ii)~~ **Voter without proof of identity.** ~~Ask the voter to read the statement on the affidavit envelope and the oath before signing the affidavit.~~
- (iii) **Voter disputes political affiliation indicated in Precinct Registry.** Write the political affiliation claimed by the voter in the space provided.
- (iv) **Voter disputes school district or municipal assignment in Precinct Registry.** Write the name of the school district or municipality in which the voter claims to reside.
- ~~(v) **Voter Who Disputes Credit for Absentee Voting—Use during In-Person Absentee Voting ONLY. Voter who disputes credit for absentee voting.** Check this reason only during in-person absentee voting if an in-person absentee voter who has already received credit for voting by absentee ballot in this election ~~by absentee ballot~~ denies having voted in this election.~~
- (vi) **Other.** Record any explanation the voter offers concerning the reason ~~he/she~~ he or she may be eligible to vote.
- (D) Record the ~~ballot style or styles~~ ballot codes indicated on the voter's Provisional Ballot Voucher in the spaces provided on the Affidavit.
- (6) Ask the voter to review the information on the affidavit. Tell the voter to read the oath and to sign it. Also ask the voter to write ~~his/her~~ his or her daytime telephone number in the space provided.
- (7) Sign the affidavit in the space provided for the Provisional Voting Officer.
- (8) Print the voter's name on the Provisional Ballot Roster and record the codes for the ballots issued to the voter in the space provided. Tell the voter to sign the roster.
- (9) Issue the appropriate ballots indicated on the voucher. Fold each ballot in half before giving it to the voter. Put the voucher inside the affidavit envelope. Give the voter the affidavit envelope, a secrecy envelope, and the ballot or ballots.
- (10) Tell the voter to go to the provisional ballot voting booth to mark the ballot. Tell the

voter to follow these steps to secure the ballot.

- (A) Fold the ballot in half.
- (B) Put the folded ballot inside the secrecy envelope and seal the envelope.
- (C) Put the sealed secrecy envelope inside the affidavit envelope and seal the affidavit envelope.
- (D) Return to the table with the sealed affidavit envelope.

(11) If necessary, follow the procedures for spoiled ballots (230:35-5-127) or voter assistance (230:35-5-120.1), using the ~~PRECINCT PROBLEM SOLVER~~ Precinct Problem Solver section of the Precinct Official Notebook.

(12) When the voter returns the sealed affidavit envelope, put it in the orange Provisional Ballot Bag immediately.

(13) Tell the voter that information concerning disposition of the provisional ballot may be obtained from the County Election Board after 5 p.m. on Friday. Make sure the voter takes a copy of the Provisional Voting Information handout.

230:35-5-177.1. Provisional voting procedure for voter using the ATI

If a voter who is using the ATI device attached to the voting device to cast an audio ballot needs to vote provisionally for one of the reasons listed in 230:35-9-7, follow the provisional voting procedure as outlined in 230:35-5-177 (1) through (8). Read both the information you have recorded on the Affidavit and the oath to a visually disabled voter. Follow these additional steps to activate the ATI session for this provisional voter.

- (1) Ask the Clerk to issue the ballots indicated on the voter's Provisional Ballot Voucher.
- (2) Write "ATI" at the top of each ballot issued to this voter.
- (3) Take the voter to the ATI voting booth.
- (4) Remove the ATI controller from the voting device case, unwrap and extend the cord and plug the headphones into the controller. The voter may use his or her own headphones. If the voter has either a sip-and-puff device or tactile input switches("jelly switches"), plug the voter's assistance device into the controller.
- (5) Explain the use of the ATI controller to the voter. Read the instructions provided in the eScan Election Day Desk Reference section of the Precinct Official Notebook.
- (6) When the voter is ready to begin voting, press the red poll worker button on the back of the voting device and follow the instructions displayed on the voting device console screen to activate the ATI session and to indicate that it is a provisional ballot.
- (7) Insert the voter's blank ballots into the voting device.
- (8) Verify the ballots that have been activated for the voter on the voting device console screen, and write the words "Provisional ATI" and the numerical provisional ballot code displayed on the console screen at the top of the voter's Oklahoma Provisional Ballot Affidavit envelope.
- (9) Other voters can continue scanning paper ballots while the ATI session is active.

SUBCHAPTER 9. HAVA REQUIREMENTS

PART 3. PROVISIONAL VOTING

230:35-9-7. Voters who may cast a provisional ballot

Voters in the circumstances described as follows may cast provisional ballots.

(1) **Persons not listed in the Precinct Registry.** Persons who are not listed in the Precinct Registry for the precinct of their residence but who believe themselves to be registered voters eligible to vote in the election shall be entitled to cast a provisional ballot. [26:7-116.1]

(2) **Voters required to show identification proof of identity.** ~~Registered voters who are required to show identification when voting for the first time in a federal election and who do not have one of the acceptable forms of identification are entitled to cast a provisional ballot. [26:7-116.1]~~ All registered voters who appear to vote in-person at a precinct polling place on election day or during in-person absentee voting are required to show proof of identity before receiving a ballot. Voters who do not have or who refuse to provide valid proof of identity are entitled to cast a provisional ballot. [26:7-116.1] Voters whose names on their otherwise valid proof of identity document do not substantially conform to their names as listed in the Precinct Registry are entitled to cast a provisional ballot . [26:7-116.1]

(3) **Voters who dispute political affiliation indicated in Precinct Registry.** Registered voters who dispute the political affiliation indicated in the Precinct Registry for a primary election are entitled to cast a provisional ballot for their preferred political party. [26:7-116.1]

(4) **Uniformed services voters.** Uniformed services voters who have been honorably discharged or who are on authorized leave, and the spouses and eligible dependents of such voters, and who returned home too late to register to vote shall be entitled to cast a provisional ballot in the precinct of their residence and to have that ballot counted. [26:7-116.1; 26:14-121]

(5) **Overseas voters.** Overseas voters who have been terminated in their overseas service or employment or who are on leave from their overseas service or employment, and the spouses and eligible dependents of such voters, and who returned home too late to register to vote are entitled to cast a provisional ballot in the precinct of their residence and to have that ballot counted. [26:7-116.1; 26:14-121]

(6) **Voters who dispute school district or municipality indicated in Precinct Registry.** Registered voters who dispute the school district or municipality indicated for them in the Precinct Registry or on the map are entitled to cast a provisional ballot for the school district or municipality in which they claim to reside.

PART 5. VOTER IDENTIFICATION

230:35-9-16. Some voters required to present identification when voting for first time in election for federal office [REVOKED]

~~(a) Voters who applied by mail for new voter registration in the county on or after January 1, 2003, are required by law to present identification when they vote for the first time in person, either at a precinct polling place or an in-person absentee polling place, in a federal election. A voter who does not present one of the forms of identification described in (b) of this Section shall be required to cast a provisional ballot. A provisional ballot cast by such a voter shall be verified and approved for counting by 5 p.m. on Friday following the election.~~

~~(b) A registered voter required to present identification as outlined in (a) of this section may present any one of the following forms of identification:~~

- ~~—(1) a currently valid photo identification~~
 - ~~—(2) a voter identification card issued by the County Election Board in this county~~
 - ~~—(3) a copy of a current utility bill, bank statement, paycheck, government check or any other government document that shows the voter's name and address~~
- ~~(c) A person who applies by mail for new voter registration in the county may avoid the requirement for presenting identification when voting for the first time in a federal election by submitting a copy of a currently valid photo identification or a copy of a current utility bill, bank statement, paycheck, government check, or any other government document that shows the voter's name and address along with the voter registration application. A person who applies for voter registration is not required to present identification in order to become a registered voter.~~
- ~~(d) A person who applies by mail for new voter registration in the county who votes for the first time in a federal election by regular mail absentee ballot is deemed to have provided adequate identification for the purposes of this Section by having signed the absentee ballot affidavit in the presence of a Notary Public or other person authorized by law to administer oaths or in the presence of two witnesses if the voter is incapacitated.~~

SUBCHAPTER 11. ELECTION LAW VIOLATIONS [REVOKED]

230:35-11-1. Purpose [REVOKED]

~~The purpose of the rules in this subchapter is to identify certain actions that are deemed violations of Oklahoma election law and the penalties for such violations. Actions that violate the election laws are generally divided into two categories: violations that are punishable as misdemeanors and violations that are punishable as felonies.~~

230-35-11-2. Misdemeanors [REVOKED]

~~Any person deemed guilty of a misdemeanor under Oklahoma election law shall, upon conviction, be confined to the county jail for not more than one (1) year, or fined not more than Ten Thousand Dollars (\$10,000.00), or both. [26:16-110]~~

230:35-11-3. Failure to perform duty [REVOKED]

~~Any member or employee of a County Election Board or precinct election board who willfully fails to perform his or her lawful duty shall be deemed guilty of a misdemeanor. [26:16-114]~~

230:35-11-4. Expenditure of public funds [REVOKED]

~~Any official of this state who shall direct or authorize the expenditure of any public funds under his or her care, except as specifically authorized by law, to be used either in support of, or in opposition to, any measure which is being referred to a vote of the people by means of the initiative or referendum, or which citizens of this state are attempting to have referred to a vote of the people by the initiative or referendum, shall be deemed guilty of a misdemeanor, and the office held by such party shall be adjudged vacant and shall be filled in the manner prescribed by~~

law. [26:16-119]

230:35-11-5. Electioneering prohibited [REVOKED]

~~Any person who electioneers within 300 feet of any ballot box while an election is in progress, and any person except election officials and other persons authorized by law who remains within 50 feet of any ballot box while an election is in progress shall be deemed guilty of a misdemeanor. [26:16-111]~~

230:35-11-6. Intoxicating liquors [REVOKED]

~~Any person who takes intoxicating liquors of any kind or quantity to within one-half mile of any polling place on an election day shall be deemed guilty of a misdemeanor. [26:16-112]~~

230:35-11-7. Interference with voter or conduct of election [REVOKED]

~~Any person, including a Watcher appointed as outlined in 230:35-3-69 or an Exit Pollster authorized as outlined in 230:35-3-70, who interferes with a registered voter who is attempting to vote, or any person who attempts to influence the vote of another by means of force or intimidation, or any person who interferes with the orderly and lawful conduct of an election shall be deemed guilty of a misdemeanor. [26:16-113]~~

230:35-11-8. Disclosure by voter [REVOKED]

~~Any person who, within the election enclosure, discloses to any other person how he or she voted shall be deemed guilty of a misdemeanor. [26:16-115]~~

230:35-11-9. Disclosure by election official [REVOKED]

~~Any election official who discloses how any voter may have voted shall be deemed guilty of a misdemeanor. [26:16-116]~~

230:35-11-10. Disclosure of count [REVOKED]

~~Any person who discloses the count during an election prior to the time such disclosure is authorized by law shall be deemed guilty of a misdemeanor. [26:16-117]~~

230:35-11-11. Felonies [REVOKED]

~~*Any person deemed guilty of a felony under Oklahoma election law shall, upon conviction, be confined in the State Penitentiary for not more than five years or fined not more than Fifty Thousand Dollars (\$50,000.00), or both. [26:16-101]*~~

[Source: Added at 28 Ok Reg 1167, eff 7-1-11]

230:35-11-12. Illegal printing or possession of certain voting materials [REVOKED]

~~Any person who causes to be printed, or who has in his or her possession ballots or blank or fraudulent voter identification cards not authorized by law shall be deemed guilty of a felony. [26:16-120]~~

230:35-11-13. Voting illegally [REVOKED]

~~Any person who votes more than once at any election, who votes in a precinct after having transferred voter registration to a new precinct, or who, knowing that he or she is not eligible to vote at an election, willfully votes at said election shall be deemed guilty of a felony. [26:16-102] Any uniformed services or overseas absentee voter who willingly votes and submits an absentee ballot later than the day of the Runoff Primary Election shall be deemed guilty of a felony. [26:16-102] Any person who knowingly votes and submits an absentee ballot issued to another person shall be deemed guilty of a felony. [26:16-102]~~

230:35-11-14. Unauthorized persons transporting ballots [REVOKED]

~~Any unauthorized person who knowingly removes a ballot from a polling place or who knowingly carries a ballot into a polling place shall be deemed guilty of a felony. [26:16-102.1]~~

230:35-11-15. False applications for absentee ballots [REVOKED]

~~Any person who knowingly executes a false application for an absentee ballot shall be deemed guilty of a felony. [26:16-102.2]~~

230:35-11-16. False swearing [REVOKED]

~~Any person who knowingly swears or affirms a false affidavit in order to become eligible to vote, to obtain and vote a provisional ballot, to obtain and vote an absentee ballot, or to cause the cancellation of a qualified elector's voter registration, shall be deemed guilty of a felony. [26:16-103]~~

230:35-11-17. Unauthorized registration of voters [REVOKED]

~~Any person who knowingly causes any qualified elector to be invalidly registered or anyone who knowingly causes an unqualified person to be registered to vote shall be deemed guilty of a felony. [26:16-103.1] Any person who knowingly causes the collection or submission of voter registration forms containing false, fraudulent, or fictitious information shall be deemed guilty of a felony. [26:16-103.1]~~

230:35-11-18. False notarization [REVOKED]

~~Any person, notary public or other official authorized to administer oaths who notarizes, verifies, acknowledges or attests to the signature on the affidavit of an absent voter or on the attestation of an incapacitated voter, without the person whose affidavit or attestation is being taken actually appearing in person before said person, notary public or official authorized to administer oaths, shall be deemed guilty of a felony. [26:16-104]~~

230:35-11-19. Fraud [REVOKED]

~~Any person who knowingly conspires to commit fraud or perpetrates fraud, or who steals supplies used to conduct an election, in order to change a voter's vote, or to change the composition of the official ballot or ballots, or to change the counting of the ballots, or to change the certification of the results of an election shall be deemed guilty of a felony. [26:16-105]~~

230:35-11-20. Bribes to influence votes [REVOKED]

~~Any person who offers, solicits or accepts something of value intended to directly or indirectly influence the vote of the person soliciting or accepting same shall be deemed guilty of a felony. [26:16-106]~~

230:35-11-21. Bribe for withdrawal of candidacy [REVOKED]

~~(a) **Offer of bribe.** Any person who shall offer or give to another anything of value to induce or cause such other person to withdraw from a political contest as a candidate or nominee at any election shall be deemed guilty of a felony. [26:16-107]~~

~~(b) **Acceptance of bribe.** Any person who shall solicit or accept from another anything of value for withdrawing from any political contest as a candidate or nominee for any office at any election shall be deemed guilty of a felony. [26:16-108]~~

230:35-11-22. Coercion prohibited [REVOKED]

~~Any person who, by means of coercion or any other method knowingly attempts to prevent a qualified elector from becoming registered, or a registered voter from voting, shall be deemed guilty of a felony. [26:16-109]~~