

STATE OF OKLAHOMA

1st Session of the 60th Legislature (2025)

HOUSE BILL 1300

By: Fugate

AS INTRODUCED

An Act relating to elections; amending 26 O.S. 2021, Section 7-116.1, which relates to provisional ballots; authorizing absentee voter to cast certain provisional ballot; providing exceptions; providing for codification; and providing an effective date.

BE IT ENACTED BY THE PEOPLE OF THE STATE OF OKLAHOMA:

SECTION 1. AMENDATORY 26 O.S. 2021, Section 7-116.1, is amended to read as follows:

Section 7-116.1 A. Provisional ballots shall be available for all elections conducted by the county election board. Provisional ballots shall include all offices, candidates and questions and shall be identical to the regular ballots for each precinct. The Secretary of the State Election Board shall promulgate rules and shall prescribe materials necessary for the implementation of provisional ballots.

1       B. Persons who are not listed in the precinct registry, but who  
2 claim to be registered voters in the precinct and eligible to vote  
3 in the election, shall be entitled to vote a provisional ballot upon  
4 execution of an affidavit prescribed by the Secretary of the State  
5 Election Board. Registered voters required to show identification,  
6 as described in Section 7-114, 14-115.4 or 14-121 of this title and  
7 who are unable to show one of the acceptable forms of identification  
8 described in such sections, shall be entitled to cast a provisional  
9 ballot. Persons identified in Section 14-121 of this title shall be  
10 entitled to vote a provisional ballot upon execution of an affidavit  
11 prescribed by the Secretary of the State Election Board. Persons  
12 who are listed in the precinct registry for a partisan primary  
13 election, but who dispute the political affiliation indicated by  
14 such precinct registry, shall be entitled to vote a provisional  
15 ballot for a party other than the one indicated. However, such  
16 provisional ballot shall be counted only if evidence is found by the  
17 secretary of the county election board of the voter's valid voter  
18 registration in the party for which the provisional ballot was cast.  
19 Persons described in Section 2 of this act shall be entitled to cast  
20 a provisional ballot.

21       C. Provisional ballots shall be segregated from the regular  
22 ballots cast in the precinct in the manner prescribed by the  
23 Secretary of the State Election Board and shall not be inserted in  
24 the precinct voting device. Information provided by a person who

1 votes a provisional ballot shall be investigated by the secretary of  
2 the county election board after the election. A provisional ballot  
3 shall be counted only if it is cast in the precinct of the voter's  
4 residence and if evidence of the provisional voter's valid voter  
5 registration, or of the voter's identity, is found, except a  
6 provisional ballot cast by a voter identified in Section 14-121 of  
7 this title shall be counted.

8 D. No information concerning provisional ballots, except the  
9 number of provisional ballots cast in the county, shall be made  
10 public by any election official prior to 1:00 p.m. on Friday  
11 following the election. The county sheriff shall secure sealed  
12 ballot transfer cases containing provisional ballots that have been  
13 counted after 1:00 p.m. on Friday following the election until 5:00  
14 p.m. on Tuesday next succeeding the election or, in the event a  
15 recount contest is filed, until such times as the transfer cases are  
16 delivered to the district courtroom.

17 E. In the event that the secretary of any county election board  
18 is unable to complete the investigation and verification of  
19 provisional ballots by 1:00 p.m. on Friday following the election,  
20 the Secretary of the State Election Board shall be authorized to  
21 extend the period for the investigation and verification of  
22 provisional ballots. When such an extension is required by any  
23 county for a statewide election, the extension shall apply  
24

1 statewide. The Secretary shall promulgate rules establishing  
2 procedures for requesting and granting such extensions.

3 F. All materials used for procuring and casting a provisional  
4 ballot shall be retained by the secretary of the county election  
5 board for a period of twenty-four (24) months after the day of the  
6 election.

7 SECTION 2. NEW LAW A new section of law to be codified  
8 in the Oklahoma Statutes as Section 14-134.1 of Title 26, unless  
9 there is created a duplication in numbering, reads as follows:

10 An absentee voter may cast an in-person provisional ballot  
11 pursuant to Section 7-116.1 of Title 26 of the Oklahoma Statutes on  
12 election day at the polling place for the precinct to which the  
13 voter is assigned or at an in-person absentee voting site in the  
14 county where the voter is registered to vote during the in-person  
15 absentee voting period if:

16 1. The ballot of the absentee voter has not been received by  
17 the county election board by election day; provided, the provisional  
18 ballot shall only be counted if the secretary of the county election  
19 board confirms that the absentee ballot was not received by the  
20 statutory deadline; or

21 2. The absentee voter received a notice of rejection on or  
22 before election day; provided, the provisional ballot shall only be  
23 counted if the secretary of the county election board confirms that  
24 the absentee ballot was rejected.

SECTION 3. This act shall become effective November 1, 2025.

60-1-10734 MJ 01/06/25