

### **Frequently Asked Questions**

### Oklahoma – General Election 2024

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**Note:** This FAQ is not exhaustive. Situations or inquiries may arise that are not answered below. In those circumstances, contact your hotline captain or command center for assistance. Please make sure to record all of the voter's contact information should follow-up be necessary.

REGISTERING TO ELECTION DAY EARLY VOTE VOTE BY MAIL

**VOTE** 

ABSENTEE POLLING PLACE ACCESSIBILITY STATE SPECIFIC ISSUES /ASSISTANCE SUPPLEMENT

### **Table of Contents**

### **REGISTERING TO VOTE**

- 1. **ELIGIBILITY:** Can I register to vote?
- 2. **PRIMARY ELECTION:** Can I vote in the primary election? Do I need to be registered with a political party? Can I change my party registration to vote in another party's primary election? When I voted, the poll worker asked my party affiliation. Are they allowed to do that?
- 3. **STATUS:** Am I registered to vote?
- 4. **HOW:** How do I register to vote? Can I register online? Do I need a printer? Can I register to vote in person?
- 5. **IDENTIFICATION:** What ID is required to register to vote?
- 6. **DEADLINES:** When is/was the voter registration deadline? Are there different deadlines whether I register by mail, in-person, or online?
- 7. SAME DAY: Does my state have Same Day Registration? If so, what is the process?
- 8. **PERMANENT MOVE:** I have moved permanently and I didn't update my voter registration, can I vote?
- 9. **TEMPORARY MOVE:** I have moved temporarily. How can I vote?
- 10. **STUDENT:** I am a college student. Can I register to vote where I go to school? What if I am taking classes remotely? Where can I vote?

- 11. LIVING ABROAD: I am living abroad and/or serving in the military. How can I register and/or vote?
- 12. **CRIMINAL CONVICTION:** I have a felony criminal conviction. Can I register to vote? Does the type of conviction matter? Are there any restrictions after any misdemeanor convictions?
- 13. INCARCERATED: I am currently incarcerated. Can I register to vote? Can I vote from jail?
- 14. REGISTRATION CHALLENGED: My registration has been challenged, what should I do?

### **HOW TO VOTE: ELECTION DAY**

- 15. **HOURS:** When do the polls open/close on Election Day?
- 16. **POLLING LOCATION:** Where do I vote on Election Day?
- 17. TIME OFF WORK: Is my employer required to give me time off to vote? Is it paid or unpaid?
- 18. **CLOSING:** What if the polls close when I am already in line?
- 19. **IDENTIFICATION:** What identification is required to vote?
- 20. **NO IDENTIFICATION:** Can I vote without providing identification?
- 21. **NOT ON ROLLS AT MY POLLING PLACE:** I am at my polling place but am not showing up on the voter registration roll. Can I vote where I am?
- 22. **GIVEN PROVISIONAL BALLOT:** I am being told I have to vote provisionally, what does that mean?
- 23. **REQUESTING PROVISIONAL BALLOT:** I am being told I can't vote, can I vote provisionally?
- 24. **PROVISIONAL BALLOT NEXT STEPS:** I voted a provisional ballot, what now?

# **HOW TO VOTE: IN-PERSON EARLY VOTING** (In this state, defined as: In-Person Absentee Voting)

- 25. AVAILABILITY: Is there early voting in my state (whether called early voting or something else)?
- 26. **ELIGIBILITY:** Do I need to have a reason to vote early?
- 27. WHEN: When does early voting begin/end?
- 28. WHERE: Where do I vote during early voting?
- 29. IDENTIFICATION: What identification is required for early voting? What if I don't have an ID?
- 30. **ASSISTANCE:** What if I need assistance voting early in person?

### **HOW TO VOTE: VOTE BY MAIL** (In this state, defined as: Absentee Voting)

- 31. AUTOMATIC MAIL BALLOT: Will I automatically be sent a ballot in the mail?
- 32. **ELIGIBILITY:** Do I need a specific reason to vote by mail?
- 33. **APPLICATION DEADLINE:** What is the deadline for requesting a mail-in ballot?
- 34. APPLICATION ASSISTANCE: Can someone assist me with filling out the application?
- 35. **APPLICATION RETURN:** How do I submit my mail-in ballot application? Can someone return it for me? Does it have to be postmarked by a specific date?
- 36. **IDENTIFICATION:** Are there identification requirements when I return my mail-in ballot application and/or ballot?
- 37. **RECEIVING MAIL BALLOT:** Does the ballot have to be sent to my home, or can I have it sent somewhere else? What if I don't have a home address or my address is a PO Box?
- 38. MISSED THE APPLICATION DEADLINE: What if I have not requested a mail-in ballot by the deadline?
- 39. **STATUS OF APPLICATION AND/OR BALLOT:** How can I check the status of my application and/or ballot?
- 40. **APPLICATION OR BALLOT REJECTED:** I learned my mail-in ballot application and/or ballot was rejected. What can I do to fix any errors or get another one?
- 41. **COMPLETING BALLOT:** How do I complete the mail-in ballot?

- 42. **ASSISTANCE COMPLETING BALLOT:** Can someone assist me in filling out my ballot?
- 43. **DEADLINE TO RETURN BALLOT:** What is the deadline for the ballot to be received? Does it have to be postmarked by a specific date? Can I drop it off in person?
- 44. BALLOT DROP OFF LOCATIONS: What are the locations for dropping off a ballot (instead of mailing it)?
- 45. **ASSISTANCE DROPPING OFF BALLOT:** Can someone else drop off my completed ballot for me?
- 46. **LOST OR SPOILED BALLOT:** What if I lost my mail-in ballot, made a mistake on it (spoiled it), or I received an incorrect ballot?
- 47. **NON-RECEIPT OF BALLOT:** What if I requested a mail-in ballot but have not received it? What are my options for voting?
- 48. **IN PERSON OPTION:** What if I requested or received a mail-in ballot but I want to vote in person on Election Day?

### **HOW TO VOTE: ABSENTEE** (In this state, defined as: Absentee Voting)

- 49. **ELIGIBILITY:** Am I eligible to request an absentee ballot?
- 50. APPLICATION DEADLINE: What is the deadline for requesting an absentee ballot?
- 51. **IDENTIFICATION:** Are there any identification requirements?
- 52. **EMERGENCY:** Is there an emergency absentee ballot? If so, am I eligible?
- 53. **APPLICATION RETURN:** Where and how can I return my absentee ballot application? Can someone return it for me?
- 54. **STATUS OF APPLICATION AND/OR BALLOT:** How can I check the status of my absentee ballot application and/or absentee ballot return?
- 55. **APPLICATION OR BALLOT REJECTED:** I learned my absentee ballot application or ballot was rejected. How can I confirm this and what can I do to fix any errors or get another one?
- 56. **COMPLETING BALLOT:** How do I complete the absentee ballot?
- 57. ASSISTANCE COMPLETING BALLOT: Can someone assist me filling out the ballot?
- 58. **BALLOT DEADLINES:** What is the deadline for the ballot to be postmarked and/or received by, including dropping it off in person?
- 59. BALLOT DROP OFF LOCATIONS: Where can I drop off a ballot (instead of mailing it)?
- 60. ASSISTANCE DROPPING OFF: Can someone else drop off my completed ballot for me?
- 61. LOST OR SPOILED: What if I lost my absentee ballot or it is spoiled or I received an incorrect one?
- 62. NON-RECEIPT OF BALLOT: What if I requested an absentee ballot but have not received it?
- 63. **IN PERSON OPTION:** What if I requested an absentee ballot but I want to vote in person on Election Day?
- 64. IN PERSON ABSENTEE: Where do I vote in-person absentee? When can I do this?

### **POLLING PLACE ISSUES**

- 65. POLLING PLACE NOT OPEN: The polling place is not open. What should I do?
- 66. **LONG LINES:** There are long lines at the polling place. What should I do? What if the polls are closing while I'm in line?
- 67. **EQUIPMENT FAILURE:** What should I do if there are equipment problems at my precinct?
- 68. **CAMPAIGNING:** What rules apply to people campaigning or "hanging around" my polling place? What counts as campaigning or electioneering? Can people approach me?
- 69. **VOTER CONDUCT:** What am I prohibited from wearing or doing in a polling place? Can I take photos inside?
- 70. **POLL WORKER CONDUCT:** What is a poll worker prohibited from wearing or doing in a polling place?

- 71. **INTIMIDATION:** Are there any other specific restrictions on conduct outside of a polling place? What should I do if I feel unsafe or uncomfortable outside the polling place?
- 72. **CHALLENGE:** Someone is formally challenging my vote. What should I do?
- 73. **POLICE/MILITARY PRESENCE:** There are police/military at the polling place. Is this okay? What should I do?
- 74. **THOUGHT WAS REGISTERED:** My name isn't on the voter registration roll but I thought I was registered. What should I do?
- 75. **PROVISIONAL BALLOT:** I have been offered a provisional ballot. What should I do? (Also see info in the <u>Election Day Voting section above</u>.

### **ACCESSIBILITY/ASSISTANCE**

- 76. EQUIPMENT ASSISTANCE: I don't know how to use the voting equipment. Can I get help?
- 77. **PHYSICAL DISABILITY:** I have a physical disability and need assistance. Is my polling place ADA compliant? Does my voting location have an accessible voting system?
- 78. **READING/LANGUAGE ASSISTANCE:** I am blind, have a physical disability, or cannot read English and require assistance in order to vote. Can I get assistance at the polls?
- 79. **LANGUAGE ACCESS:** I am not an English speaker. What language resources are available? Can I bring someone in the booth to help me understand the ballot?
- 80. **CURBSIDE VOTING:** Is curbside voting available? How do I request it?
- 81. **VOTER GUIDE:** Can I bring a voting guide or reference notes with me into the voting booth?

# STATE SPECIFIC SUPPLEMENT (Anything that is particular/unique about voting in this state that is not captured elsewhere in the document.)

- 82. **ABSENTEE BALLOT:** What is Absentee Ballot Harvesting?
- 83. **INACTIVE VOTERS:** My voter registration says I am "inactive." What does this mean? How do I become active?
- 84. **POLLING PLACE CLOSURE TO ASSIST PHYSICALLY DISABLED VOTERS:** I arrived at my polling place to discover that it is closed temporarily while the precinct officials assist a voter outside. Can they do that?
- 85. QUESTIONS: Who should I contact if I have questions about any of the above?

# **REGISTERING TO VOTE**

1. **ELIGIBILITY:** Can I register to vote?

To be eligible to register to vote in Oklahoma, a voter must be:

- At least 18 years old (or 17 and a half years old to pre-register).<sup>1</sup>
  - Persons who are at least 17 and a half years old may pre-register to vote if they meet all other eligibility requirements; however, they may not vote in an election until they turn 18

<sup>&</sup>lt;sup>1</sup> Okla. Stat. tit. 26, § 4-103(B).

years old **and** their application has been approved by their County Election Board Secretary. Applicants will be mailed a Voter ID card upon approval of their registration.<sup>2</sup>

- A United States citizen.<sup>3</sup>
- A resident of Oklahoma.<sup>4</sup>
- Not adjudged to be an "incapacitated person."
  - When such incapacitated person has been adjudged to be no longer incapacitated such person shall be eligible to become a registered voter.
  - A person adjudged to be a "partially incapacitated person" is eligible to register to vote, unless the partial incapacitation order prohibits the person from registering.
- Not convicted of a felony or if convicted of a felony, fully served their sentence (*i.e.*, completed any term of incarceration, parole, supervision, or probation).<sup>6</sup>
  - A person who has been convicted of a felony and had their sentence commuted is eligible to register to vote once the commuted sentence has been fully served.<sup>7</sup>
- 2. **PRIMARY ELECTION:** Can I vote in the primary election? Do I need to be registered with a political party? Can I change my party registration to vote in another party's primary election? When I voted, the poll worker asked my party affiliation. Are they allowed to do that?

### Voting in a Primary Election and Registering with a Political Party.

- The Primary Elections for the 2024 General Election have passed. Primary elections are held on the third Tuesday in June of even-numbered years. For 2024, this was **June 18, 2024**.
- Presidential preferential primary elections for recognized political parties are held on the first Tuesday in March in each of the years in which the President and Vice President of the United States are to be elected.<sup>9</sup> For 2024, this was March 5, 2024.
- Voters registered with a political party can only vote in the Primary Election of such political party.<sup>10</sup>
- Voters registered as Independent can only vote in the Primary Election of a political party if the political party allows it.<sup>11</sup>
  - During the 2024-2025 election years, only the Democratic Party will allow Independents to vote in the party primaries.<sup>12</sup>

**Changing Party Registration.** Voters may submit an application to change their party registration at any time, which will generally be processed by the county election board upon receipt. However, in certain

 $\underline{https://oklahoma.gov/elections/newsroom/2023/december/independents-eligible-to-vote-in-2024-democratic-primary-electio.html.}$ 

<sup>&</sup>lt;sup>2</sup> Okla. Stat. tit. 26, § 4-103(B); https://oklahoma.gov/elections/voter-registration/register-to-vote.html.

<sup>&</sup>lt;sup>3</sup> Okla. Stat. tit. 26, § 4-101 (referencing Okla. Const. Art. 3, § 1).

⁴ Id.

<sup>&</sup>lt;sup>5</sup> Okla. Stat. tit. 26, § 4-101 (referencing Okla. Stat. tit. 30 § 1-111 to define an "incapacitated person" and a "partially incapacitated person").

<sup>&</sup>lt;sup>6</sup> Okla. Stat. tit. 26, § 4-101.

<sup>&</sup>lt;sup>7</sup> 2022-1 Okla. Att'y Gen. Op. 3-4 (2022).

<sup>&</sup>lt;sup>8</sup> Okla. Stat. tit. 26, § 1-102.

<sup>&</sup>lt;sup>9</sup> Okla. Stat. tit. 26, § 20-101.

<sup>&</sup>lt;sup>10</sup> Okla. Stat. tit. 26, § 1-104(A).

<sup>&</sup>lt;sup>11</sup> Okla. Stat. tit. 26, § 1-104(B).

<sup>&</sup>lt;sup>13</sup> Okla. Stat. tit. 26, § 4-119; see Question 4 for the application options.

circumstances listed below, the application will not be processed and approved until after the election, meaning the voter's party registration will not change until after the election.

- Applications received from April 1 to August 31, inclusive, in an even-numbered year are not processed until after August 31.<sup>14</sup>
- Applications received or postmarked 24 days or fewer prior to an election are not processed until after the election.<sup>15</sup>

**Poll Worker Asking for Party Affiliation.** Poll workers will ask for a voter's political affiliation to ensure that a voter's political affiliation listed in the precinct registry matches the partisan primary that the voter intends to vote in. If a voter disputes the political affiliation listed in the registry, the voter may cast a provisional ballot in the primary election of a political party other than the political party indicated in the registry, but such provisional ballot shall be counted only if evidence is found by the secretary of the county election board of the voter's valid voter registration in the party for which the provisional ballot was cast. <sup>16</sup> See Question 24 for more information on next steps for a provisional ballot.

3. **STATUS:** Am I registered to vote?

A voter can check whether they are registered to vote by using the OK Voter Portal.<sup>17</sup>

4. **HOW:** How do I register to vote? Can I register online? Do I need a printer? Can I register to vote in person?

A voter can register to vote or update a registration using any of the following methods:<sup>18</sup>

- 1. **Mail**. Mailing or otherwise delivering a completed <u>voter registration application</u><sup>19</sup> to the <u>State Election Board</u><sup>20</sup> or the relevant <u>county election board</u>.<sup>21</sup>
- 2. **In Person**. Acquiring and completing a voter registration application in person at:
  - a. the voter's county election board;
  - b. a tag agency (submitted with a driver license or state identification card application); or
  - c. select public assistance agencies (submitted when a voter applies for, updates, or renews services).
- 3. **Online**. Completing a voter registration application electronically using the <u>Oklahoma Voter</u> Registration Wizard.<sup>22</sup>
  - a. Voters with an Oklahoma Driver License / State ID and a signature on file with Service Oklahoma can complete the registration process online.
  - b. Voters without a Driver License / State ID and signature on file can use the Wizard to complete the application, then print, sign, and mail or deliver the application to the relevant county election board.

<sup>&</sup>lt;sup>14</sup> Okla. Stat. tit. 26, § 4-119.

<sup>&</sup>lt;sup>15</sup> Okla. Stat. tit. 26, § 4-110.1(A).

<sup>&</sup>lt;sup>16</sup> Okla. Stat. tit. 26, § 7-116.1(B).

<sup>&</sup>lt;sup>17</sup> https://okvoterportal.okelections.us/.

<sup>&</sup>lt;sup>18</sup> Okla, Stat, tit, 26, § 4-103.1; https://oklahoma.gov/elections/voter-registration/register-to-vote, html.

<sup>&</sup>lt;sup>19</sup> https://oklahoma.gov/content/dam/ok/en/elections/forms/voter-registration-application.pdf.

<sup>&</sup>lt;sup>20</sup> https://oklahoma.gov/elections.html.

<sup>&</sup>lt;sup>21</sup> https://oklahoma.gov/elections/about-us/county-election-boards.html.

<sup>&</sup>lt;sup>22</sup> https://okvoterportal.okelections.us/Home/RegWizard.

### 5. **IDENTIFICATION:** What ID is required to register to vote?

None, but voters must provide their OK Driver License / State ID number or the last four digits of their Social Security number (if the voter has no OK Driver License / State ID), if applicable.

6. **DEADLINES:** When is/was the voter registration deadline? Are there different deadlines whether I register by mail, in-person, online or on Election Day?

A valid application must be postmarked or delivered more than 24 days before an election in order for the voter to participate in the election.<sup>23</sup> For the November 5, 2024 general election, this is **October 11, 2024**.<sup>24</sup>

7. **SAME DAY:** Does my state have Same Day Registration? If so, what is the process?

No, Oklahoma does not have Same Day Registration.

8. **PERMANENT MOVE:** I have moved permanently and I didn't update my voter registration, can I vote?

Yes, but only if the voter has moved within the same county. A registered voter who has moved within the same county but has not updated their voter registration with the new address will be permitted to vote where they are registered (the old address) one last time by showing a valid ID, filling out a new <a href="Voter Registration Application">Voter Registration Application</a>, 25 and submitting it to precinct officials. 26 Oklahoma law does not provide a similar accommodation for voters who have moved to a different county; such voters need to submit a new application. 27

9. **TEMPORARY MOVE:** I have moved temporarily. How can I vote?

A voter who has moved temporarily can vote at their polling place for their permanent address on Election Day, vote early in-person, or request an absentee ballot.<sup>28</sup>

10. **STUDENT:** I am a college student. Can I register to vote where I go to school? What if I am taking classes remotely? Where can I vote?

A college student may vote where they attend school if that is the voter's permanent residence and the voter meets all the other voting eligibility requirements.<sup>29</sup> So long as a student intends for their school residence to be their home, and intends to stay there for the time being, the student can register to vote at that address. A student located in another state and with a permanent residence in another state, but taking online classes at a school in Oklahoma, may not register to vote in Oklahoma.

<sup>&</sup>lt;sup>23</sup> Okla. Stat. tit. 26, § 4-110.1(A); <a href="https://oklahoma.gov/elections/voter-registration/register-to-vote.html">https://oklahoma.gov/elections/voter-registration/register-to-vote.html</a>.

<sup>&</sup>lt;sup>24</sup> https://oklahoma.gov/content/dam/ok/en/elections/dates-and-deadlines/2024-voter-information-calendar.pdf.

<sup>&</sup>lt;sup>25</sup> https://oklahoma.gov/content/dam/ok/en/elections/forms/voter-registration-application.pdf.

<sup>&</sup>lt;sup>26</sup> Okla. Stat. tit. 26, § 4-117; <a href="https://oklahoma.gov/elections/voter-registration/voter-registration-changes.html">https://oklahoma.gov/elections/voter-registration/voter-registration-changes.html</a>.

<sup>&</sup>lt;sup>27</sup> Okla. Stat. tit. 26, § 4-118.

<sup>&</sup>lt;sup>28</sup> Okla. Stat. tit. 26, § 7-116.1(B); Okla. Stat. tit. 26, § 7-116.1(C).

<sup>&</sup>lt;sup>29</sup> Okla. Stat. tit. 26, §§ 4-101, 4-103; Okla. Const. art. III §1; 71-328 Okla. Op. Att'y Gen. 350 (1971) ("[r]esidency is a place where one's habitation is fixed without the present purpose of removing therefrom," and, "[t]he answer is largely determined by the acts and intention of the particular person desiring to vote.").

### 11. LIVING ABROAD: I am living abroad and/or serving in the military. How can I register and/or vote?

Military and other overseas voters may use the same procedures for registering to vote and voting available to non-military and non-overseas voters.

There are also special provisions for active members of military or the Uniformed Services, including the Merchant Marine, the commissioned corps of the Public Health Service and the National Oceanic and Atmospheric Administration, their eligible family members and other U.S. citizens residing outside the United States (collectively, "UOCAVA voters"). UOCAVA voters may register and vote through the Federal Post Card Application ("FPCA") or the Federal Write-In Absentee Ballot ("FWAB"). Additional information can be found at the Oklahoma State Election Board website for Military and Overseas Voters<sup>30</sup> and the Federal Voting Assistance Program website.<sup>31</sup>

**FPCA Registration.** UOCAVA voters may use the FPCA to register to vote and to request an absentee ballot <u>here</u>.<sup>32</sup> Voters can complete the FPCA <u>online</u><sup>33</sup> or download the <u>application</u>.<sup>34</sup> Both methods require the voter to print, sign, and return the application via mail, email, or fax to their local <u>county</u> <u>election board</u>.<sup>35</sup> Voters can choose to receive their ballots via mail, fax, or online. More information can be found on the <u>Federal Voting Assistance Program website</u>.<sup>36</sup>

**FCPA Voting.** Ballots must be sent via mail or fax to the voter's local <u>county election board</u>.<sup>37</sup> Voters who chose to receive their ballot online will receive an email when the ballot becomes available. In order to be counted, the ballot must be received by the appropriate local election official by 7:00 p.m. central time on Election Day (*i.e.*, November 5, 2024 for the 2024 General Election).<sup>38</sup>

**FWAB Registration and Voting.** The FWAB is meant to be used as an emergency backup ballot when a UOCAVA voter does not receive an absentee ballot with enough time to meet the Oklahoma deadline. However, Oklahoma also permits registration via the FWAB if the FWAB is received before the applicable registration deadline. Yoters can complete the FWAB online or download the application. Both methods require the voter to print, sign, and return the application via mail, email, or fax to their local county election board. At the interval of the county election board.

**Recently Returned.** Military and overseas voters, and their spouses and dependents, who returned home within the 90 days preceding an election due to honorable discharge, military leave, or termination from overseas employment, may cast a provisional ballot in the election despite not being registered to vote if they are eligible to register.<sup>43</sup>

<sup>&</sup>lt;sup>30</sup> https://oklahoma.gov/elections/voters/military-overseas-voters.html.

<sup>31</sup> https://www.fvap.gov/guide/chapter2/oklahoma.

<sup>32</sup> https://www.fvap.gov/oklahoma.

<sup>33</sup> https://www.fvap.gov/fpca-privacy-notice.

<sup>34</sup> https://www.fvap.gov/uploads/FVAP/Forms/fpca.pdf.

<sup>35</sup> https://oklahoma.gov/elections/about-us/county-election-boards.html.

<sup>36</sup> https://www.fvap.gov/search-offices?state=36.

<sup>&</sup>lt;sup>37</sup> https://oklahoma.gov/elections/about-us/county-election-boards.html.

<sup>&</sup>lt;sup>38</sup> Okla. Stat. tit. 26, § 14-145.

<sup>&</sup>lt;sup>39</sup> Okla. Stat. tit. 26, § 14-141; Okla. Stat. tit. 26, § 4-110.1.

<sup>40</sup> https://www.fvap.gov/fwab-privacy-notice.

<sup>41</sup> https://www.fvap.gov/uploads/FVAP/Forms/fwab.pdf.

<sup>&</sup>lt;sup>42</sup> https://oklahoma.gov/elections/about-us/county-election-boards.html.

<sup>&</sup>lt;sup>43</sup> Okla. Stat. tit. 26, § 14-121.

12. **CRIMINAL CONVICTION:** I have a felony criminal conviction. Can I register to vote? Does the type of conviction matter? Are there any restrictions after any misdemeanor convictions?

Check the resources at Campaign Legal Restore Your Vote<sup>44</sup> for latest information.

Oklahoma requires the cancellation of the voter registration of any person convicted of a felony.<sup>45</sup> A person who has been convicted of a felony is eligible to vote when such person has fully served their sentence (*i.e.*, completed any term of incarceration, parole, supervision, or probation).<sup>46</sup> A person who has been convicted of a felony and had their sentence commuted is eligible to register to vote once the commuted sentence has been fully served.<sup>47</sup>

Only felony convictions affect a person's eligibility to vote. There are no restrictions after misdemeanor convictions.

13. INCARCERATED: I am currently incarcerated. Can I register to vote? Can I vote from jail?

Check the resources at Campaign Legal Restore Your Vote<sup>48</sup> for the latest information.

A person who is incarcerated for a misdemeanor may register and vote while in jail. Such persons may register to vote electronically or by mail (see <u>Question 4</u>), and request and vote a standard absentee ballot (see <u>Question 49</u> for the start of the absentee section). A person who has been convicted of a felony and who has not completed their sentence may not vote. (See <u>Question 12</u>.)

14. REGISTRATION CHALLENGED: My registration has been challenged, what should I do?

Voters will receive a notice of disposition of their registration application in the mail.<sup>49</sup> If the voter has been denied registration, follow any instructions provided in the disposition. Contact the local <u>county election board</u><sup>50</sup> for assistance.

Oklahoma does not allow individuals to challenge a voter's registration.

# **HOW TO VOTE: ELECTION DAY**

15. HOURS: When do the polls open/close on Election Day?

Polls open at 7:00 a.m. and close at 7:00 p.m. central time on Election Day (*i.e.*, November 5, 2024 for the 2024 general election). Any voter who is in line by 7:00 p.m. is entitled to cast a ballot.<sup>51</sup>

<sup>44</sup> https://campaignlegal.org/restoreyourvote.

<sup>&</sup>lt;sup>45</sup> Okla. Stat. tit. 26, § 4-120.4.

<sup>&</sup>lt;sup>46</sup> Okla. Stat. tit. 26, § 4-101.

<sup>&</sup>lt;sup>47</sup> 2022-1 Okla. Att'y Gen. Op. 3-4 (2022).

<sup>48</sup> https://campaignlegal.org/restoreyourvote.

<sup>&</sup>lt;sup>49</sup> Okla. Stat. tit. 26, § 4-103.1(B).

<sup>&</sup>lt;sup>50</sup> https://oklahoma.gov/elections/about-us/county-election-boards.html.

<sup>&</sup>lt;sup>51</sup> Okla. Stat. tit. 26, § 7-104.

### 16. **POLLING LOCATION:** Where do I vote on Election Day?

A voter can determine their proper polling place by checking the Oklahoma State Election Board website and searching the OK Voter Portal<sup>52</sup> or by contacting their local county election board.<sup>53</sup>

### 17. TIME OFF WORK: Is my employer required to give me time off to vote? Is it paid or unpaid?

Is my employer required to give me time off to vote? Yes, unless the voter's work day begins at least three hours after the polls open, or the voter's work day ends at least three hours before the polls close. Employers may adjust work hours accordingly.<sup>54</sup>

- Voters must notify their employers orally or in writing of their intention to be absent at least three days before the day of the election or early voting. Such employer may select the days and hours which such employees are to be allowed to attend such elections, and may notify each of the employees which days and hours they have in which to vote.<sup>55</sup>
- Voters entitled to time off receive two hours off.<sup>56</sup> However, if the distance to the polling place means that more than two hours are required to vote, the voter receives "sufficient time" to vote.<sup>57</sup>

Is it paid or unpaid? Paid, if the voter provides the employer with proof of voting.<sup>58</sup>

### 18. **CLOSING:** What if the polls close when I am already in line?

Any voter who is in line by 7:00 p.m. central time is entitled to cast a ballot.<sup>59</sup>

### 19. **IDENTIFICATION:** What identification is required to vote?

Oklahoma law requires all voters to show a valid ID before voting in person.<sup>60</sup> Listed below are acceptable forms of identification:

### Photo Identification:

To be valid, the photo identification must:

- Show the name of the person to whom the ID was issued. The name must "substantially conform" to the name in the voting registry,
- Include a photograph of the person,
- Not be expired at the time of the election,
  - Identification that never expires is acceptable,
  - Military identification cards issued to active or retired members are acceptable even if expired, and

<sup>52</sup> https://okvoterportal.okelections.us/.

<sup>53</sup> https://oklahoma.gov/elections/about-us/county-election-boards.html.

<sup>&</sup>lt;sup>54</sup> Okla. Stat. tit. 26, § 7-101(A)(3).

<sup>&</sup>lt;sup>55</sup> Id.

<sup>&</sup>lt;sup>56</sup> *Id*.

<sup>&</sup>lt;sup>57</sup> Okla. Stat. tit. 26, § 7-101(A)(2).

<sup>&</sup>lt;sup>58</sup> Okla. Stat. tit. 26, § 7-101(A)(4).

<sup>&</sup>lt;sup>59</sup> Okla. Stat. tit. 26, § 7-104.

<sup>&</sup>lt;sup>60</sup> Okla. Stat. tit. 26, § 7-114(A).

Be issued by the United States, the State of Oklahoma, or a federally recognized Indian tribe or nation.61

Acceptable forms of photo identification include:

- Oklahoma Driver License,
- Oklahoma Identification Card
- Tribal Membership Card,
- US Passport, or
- US Military ID.62

#### **Voter Identification Card:**

As an alternative to a photo ID, voters may use the voter identification card they received by mail from their county election board, so long as the name on the card "substantially conforms" to the name in the precinct registry. This card can be used even though it does not include a photograph or an expiration date.63

VoteRiders has created Oklahoma voter ID info cards in English<sup>64</sup> and in Spanish,<sup>65</sup> found here.<sup>66</sup>

20. **NO IDENTIFICATION:** Can I vote without providing identification?

#### **Affidavit with Provisional Ballot:**

A voter who cannot or declines to provide acceptable identification may sign a statement under oath (affidavit) affirming their identity and vote a provisional ballot.<sup>67</sup> For the provisional ballot to be verified and approved for counting, the voter's name, address, date of birth, and the voter's Oklahoma driver's license number or the last four digits of their social security number (if collected at the time of registration) will be compared with the information contained in the voter registration database.<sup>68</sup> However, a voter wishing to cast a provisional ballot who has changed their name or address but not yet updated their voter registration to reflect the change may cast a provisional ballot by noting the change on the affidavit and simultaneously submitting a Voter Registration Application 69 to update the voter registration database.<sup>70</sup>

21. NOT ON ROLLS AT MY POLLING PLACE: I am at my polling place but am not showing up on the voter registration roll. Can I vote where I am?

Yes, voters who are not listed but claim to be registered and eligible to vote in the precinct can cast a provisional ballot. 11 However, the voter should confirm their registration and polling location here. 12 A vote cast in the wrong precinct will not be counted.<sup>73</sup>

<sup>&</sup>lt;sup>61</sup> *Id*.

<sup>62</sup> https://oklahoma.gov/elections/faqs.html#c247.

<sup>&</sup>lt;sup>63</sup> Okla. Stat. tit. 26, § 7-114(A).

<sup>&</sup>lt;sup>64</sup> https://www.voteriders.org/wp-content/uploads/2022/01/voteriders Oklahoma 2022.pdf.

<sup>65</sup> https://www.voteriders.org/states/oklahoma/?lang=es.

<sup>66</sup> https://www.voteriders.org/states/oklahoma/.

<sup>&</sup>lt;sup>67</sup> Okla. Stat. tit. 26, § 7-114(B)(1); Okla. Stat. tit. 26, § 116.1(B).

<sup>68</sup> Okla. Stat. tit. 26, § 7-114(B)(2).

<sup>69</sup> https://oklahoma.gov/content/dam/ok/en/elections/forms/voter-registration-application.pdf.

<sup>&</sup>lt;sup>70</sup> Okla. Stat. tit. 26, § 7-114(B); Okla. Stat. tit. 26, § 4-117.

<sup>&</sup>lt;sup>71</sup> Okla. Stat. tit. 26, § 7-116.1(B).

<sup>72</sup> https://okvoterportal.okelections.us/.

<sup>&</sup>lt;sup>73</sup> Okla. Stat. tit. 26, § 7-116.1(C).

Note that Oklahoma maintains a process for voter list management that can result in a voter's name being removed from the voter registration rolls. See <u>Question 83</u>.

22. GIVEN PROVISIONAL BALLOT: I am being told I have to vote provisionally, what does that mean?

Voting provisionally generally means that there is some problem with the voter's listing in the registry, ID, or otherwise that requires further investigation. Provisional ballots are the same as regular ballots, except they are segregated and not inserted into the precinct voting device.<sup>74</sup>

23. **REQUESTING PROVISIONAL BALLOT:** I am being told I can't vote, can I vote provisionally?

A voter has a right to receive a provisional ballot if their name is not on the precinct registry but they claim to be registered voters in the precinct, they do not have a valid ID, they are recently returned military and overseas voters (see <u>Question 11</u>), or if incorrect partisan information on the precinct registry prevents the voter from receiving the correct partisan primary ballot. If the poll worker says that the voter is not eligible to vote in that precinct, but the voter believes that they are, they may vote using a provisional ballot after executing an affidavit.<sup>75</sup>

24. **PROVISIONAL BALLOT NEXT STEPS:** I voted a provisional ballot, what now?

After Election Day, county election board officials will investigate the information provided by the voter on the affidavit and either approve the provisional ballot for counting or reject it based on the outcome of that investigation. A provisional ballot will only be counted if it is cast in the precinct of the voter's residence (unless the voter has recently moved within the county as described in <u>Question 8</u>) and if the provisional voter's valid voter registration and identity are confirmed.<sup>76</sup>

# HOW TO VOTE: IN-PERSON EARLY VOTING

(in this state defined as: In-Person Absentee Voting)

25. **AVAILABILITY:** Is there early voting in my state (whether called early voting or in person absentee voting)?

Yes, Oklahoma has in-person absentee voting or "early voting" as it is commonly called.<sup>77</sup> Early voters must swear that they have not voted via a regular mail absentee ballot and will not vote in-person on Election Day.<sup>78</sup>

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<sup>&</sup>lt;sup>74</sup> Okla. Stat. tit. 26, § 7-116.1(A); Okla. Stat. tit. 26, § 7-116.1(C).

<sup>&</sup>lt;sup>75</sup> Okla. Stat. tit. 26, § 7-116.1(B).

<sup>&</sup>lt;sup>76</sup> Okla. Stat. tit. 26, § 7-116.1.

<sup>&</sup>lt;sup>77</sup> https://oklahoma.gov/elections/voters/early-voting.html.

<sup>&</sup>lt;sup>78</sup> Okla. Stat. tit. 26, § 14-115.4(A)(1).

### 26. **ELIGIBILITY:** Do I have to have a reason to vote early?

No. All voters are eligible to vote early.<sup>79</sup>

### 27. WHEN: When does early voting begin/end?

Polls are open for early voting:80

- From 8:00 a.m. to 6:00 p.m. central time on the Wednesday immediately preceding a general election
- From 8:00 a.m. to 6:00 p.m. central time on the Thursday and Friday before all elections.
- From 8:00 a.m. to 2:00 p.m. central time on the Saturday immediately preceding a general election, primary election, runoff primary election or presidential preferential primary election.

For the November 5, 2024 general election, this is **Wednesday October 30, Thursday October 31 and Friday November 1 8:00 a.m. to 6:00 p.m.** central time and **Saturday November 2 8:00 a.m. to 2:00 p.m.** central time.<sup>81</sup>

### 28. WHERE: Where do I vote during early voting?

Voters can vote at the designated early voting location in the county where they are registered.<sup>82</sup> Early voting locations can be found here.<sup>83</sup>

29. **IDENTIFICATION:** What identification is required for early voting? What if I don't have an ID?

See Question 19.

30. **ASSISTANCE:** What if I need assistance voting early in person?

See Questions 76-81.

# **HOW TO VOTE: VOTE BY MAIL**

(in this state defined as: Absentee Voting)

#### 31. AUTOMATIC MAIL BALLOT: Will I automatically be sent a ballot in the mail?

No. Voters must request an absentee ballot, either for specific election(s) or all elections in the same calendar year as the request. See <u>Question 49</u>.

<sup>&</sup>lt;sup>79</sup> Okla. Stat. tit. 26, § 14-115.4(A)(1).

<sup>&</sup>lt;sup>80</sup> Okla. Stat. tit. 26, § 14-115.4(A)(1).

<sup>81</sup> https://oklahoma.gov/content/dam/ok/en/elections/dates-and-deadlines/2024-voter-information-calendar.pdf.

<sup>82</sup> Okla. Stat. tit. 26, § 14-115.4(A)(1).

<sup>83</sup> https://oklahoma.gov/elections/voters/early-voting.html.

32. **ELIGIBILITY:** Do I need a specific reason to vote by mail?

No. See Question 49.

33. APPLICATION DEADLINE: What is the deadline for requesting a mail-in ballot?

See Question 50.

34. APPLICATION ASSISTANCE: Can someone assist me with filling out the application?

Oklahoma does not provide guidance on whether someone may assist a voter in filling out a request for an absentee ballot. Oklahoma does allow assistance in filling out a voter registration application, and the name of the assistant must be listed on such OK Voter Registration Application.<sup>84</sup>

35. **APPLICATION RETURN:** How do I submit my mail-in ballot application? Can someone return it for me? Does it have to be postmarked by a specific date?

See Question 53 for submitting the application.

See Question 50 for the application deadline.

36. **IDENTIFICATION:** Are there identification requirements when I return my mail-in ballot application and/or ballot?

See Question 51.

37. **RECEIVING MAIL BALLOT:** Does the ballot have to be sent to my home, or can I have it sent somewhere else? What if I don't have a home address or my address is a PO Box?

The <u>absentee ballot application</u><sup>85</sup> permits a voter to designate a mailing address different from the voter's registration address to receive the ballot.

A voter also has to provide their registration address on the absentee ballot application.

- Voters without a valid registration address (including PO Boxes) must complete the address confirmation form at the bottom of the absentee ballot application. See <u>Question 49</u>.
- The <u>voter registration application</u><sup>86</sup> does not allow voters to use rural routes or PO boxes as their registration address but does permit voters to write directions to their home or provide an alternate legal description of their home location.
- 38. MISSED THE APPLICATION DEADLINE: What if I have not requested a mail-in ballot by the deadline?

See Question 52 for emergency absentee ballots.

<sup>84</sup> https://oklahoma.gov/content/dam/ok/en/elections/forms/voter-registration-application.pdf.

<sup>85</sup> https://oklahoma.gov/content/dam/ok/en/elections/absentee-ballots/absentee-ballot-application.pdf.

<sup>86</sup> https://oklahoma.gov/content/dam/ok/en/elections/forms/voter-registration-application.pdf.

Voters may also vote in person on Election Day (i.e., November 5, 2024 for the 2024 general election) or during early voting.

39. **STATUS OF APPLICATION AND/OR BALLOT:** How can I check the status of my application and/or mail-in ballot?

Voters may check the status of their ballot using the <u>OK Voter Portal</u>.<sup>87</sup> Once the ballot has been received, the portal will indicate the date of receipt.

40. **APPLICATION OR BALLOT REJECTED:** I learned my mail-in ballot application and/or ballot was rejected. What can I do to fix any errors or get another one?

The voter should follow the directions in the rejection notification. The voter may also reach out to their county election board.<sup>88</sup>

41. **COMPLETING BALLOT:** How do I complete the mail-in ballot?

See Question 56.

42. ASSISTANCE COMPLETING BALLOT: Can someone assist me in filling out my ballot?

See Question 57.

43. **DEADLINE TO RETURN BALLOT:** What is the deadline for the ballot to be received? Does it have to be postmarked by a specific date? Can I drop it off in person?

See Question 58.

44. BALLOT DROP OFF LOCATIONS: What are the locations for dropping off a ballot (instead of mailing it)?

See Question 59.

45. ASSISTANCE DROPPING OFF BALLOT: Can someone else drop off my completed ballot for me?

See Question 60.

46. **LOST OR SPOILED BALLOT:** What if I lost my mail-in ballot, made a mistake on it (spoiled it), or I received an incorrect ballot?

See Question 61.

**Return to Table of Contents** 

<sup>87</sup> https://okvoterportal.okelections.us/.

<sup>88</sup> https://oklahoma.gov/elections/about-us/county-election-boards.html.

47. **NON-RECEIPT OF BALLOT:** What if I requested a mail-in ballot but have not received it? What are my options for voting?

See Question 62.

48. **IN PERSON OPTION:** What if I requested or received a mail-in ballot but I want to vote in person on Election Day?

See Question 63.

# **HOW TO VOTE: ABSENTEE**

(in this state defined as: Absentee Voting)

49. **ELIGIBILITY:** Am I eligible to request an absentee ballot?

Yes, any registered voter may request an absentee ballot.89

- Certain voters will have to complete and submit an Address Confirmation Form with their <u>Oklahoma Application for Absentee Ballot</u><sup>90</sup> (attached to the application).<sup>91</sup> Voters have to confirm their address if:
  - o They are an inactive voter. See Question 83.
  - o They have been identified by the National Change of Address as having moved.
  - They have an invalid address for mailing by the USPS.
  - o Their voter identification card has been returned as undeliverable.
- Voters not falling into the categories below are considered "Standard Absentee Voters."

**Physically Incapacitated Voters and Caregivers.** 92 Voters may request an absentee ballot when unable to vote in person due to:

- physical incapacity, or
- being charged with the care of someone physically incapacitated who cannot be left unattended.

**Voters Confined to Nursing Home or Veterans Center.** Such voters whether confined within the county<sup>93</sup> or outside the county<sup>94</sup> may request absentee ballots.

**Blind Voters.** Voters who are physically unable to vote in person due to blindness may request absentee ballots. The voter must have the last four digits of their Social Security number on file with their local county election board, or submit a new Voter Registration Application to put the last four digits of their Social Security number on file. 96

<sup>89</sup> Okla. Stat. tit. 26. § 14-105.

<sup>90</sup> https://oklahoma.gov/content/dam/ok/en/elections/absentee-ballots/absentee-ballot-application.pdf.

<sup>&</sup>lt;sup>91</sup> Okla. Stat. tit. 26, § 7-115.1.

<sup>&</sup>lt;sup>92</sup> Okla. Stat. tit. 26. § 14-110.1.

<sup>&</sup>lt;sup>93</sup> Okla. Stat. tit. 26, § 14-115.

<sup>94</sup> Okla. Stat. tit. 26, § 14-114.

<sup>&</sup>lt;sup>95</sup> Okla. Stat. tit. 26, § 14-115.12.

<sup>&</sup>lt;sup>96</sup> https://oklahoma.gov/elections/voters/absentee-voting/visually-impaired-blind-voters.html.

Blind voters may request an <u>accessible absentee ballot</u>.<sup>97</sup>

Military and Overseas Voters. See Question 11.

**Deployed First Responders and Emergency Workers.** See <u>Question 52</u>.

### 50. APPLICATION DEADLINE: What is the deadline for requesting an absentee ballot?

Applications must be received by 5:00 p.m. central time on the third Monday before an election. For the November 5, 2024 general election, this is **October 21, 2024**. There are certain exceptions for voters who become disabled or are deployed as a first responder or emergency worker; see <u>Question 52</u>.

### 51. **IDENTIFICATION:** Are there any identification requirements?

The requirements vary based on how the request is submitted. 100

- Online. Voters applying online must provide name, birth date, and an identification number that matches the number provided during voter registration, either Driver License / State ID or the last four digits of the voter's Social Security number.
- Other than Online. Voters applying in person, by mail, or by fax must provide the same
  information as voters applying online. However, if the voter registration does not contain a birth
  date or an identification number, then the missing birth date or identification number is not
  required.
  - Note: "Physically Incapacitated Voters," "Caregivers," and "Voters Confined to Nursing Home or Veterans Center" (see <u>Question 49</u>) may designate an agent to request their absentee ballot in person at their local county election board.<sup>101</sup>
  - An agent must be:
    - At least 16 years old;
    - Not employed by or related within the third degree by blood or marriage to any candidate on the ballot; and
    - Only representing one voter, per election.

#### 52. **EMERGENCY:** Is there an emergency absentee ballot? If so, am I eligible?

Yes, if certain circumstances occur after the deadline to request an absentee ballot.

Onset of Physical Disability. A voter who becomes physically incapacitated after the deadline to request an absentee ballot (see <u>Question 50</u>) and is unable to vote in person on Election Day (*i.e.*, November 5, 2024 for the 2024 general election) may request an absentee ballot.<sup>102</sup>

• The voter must make a written request to the local <u>county election board</u> accompanied by a sworn statement from the voter's physician attesting that:

<sup>&</sup>lt;sup>97</sup> https://oklahoma.gov/content/dam/ok/en/elections/absentee-ballots/accessible-absentee-application.pdf.

<sup>98</sup> https://oklahoma.gov/elections/voters/absentee-voting.html.

<sup>&</sup>lt;sup>99</sup> https://oklahoma.gov/content/dam/ok/en/elections/dates-and-deadlines/2024-voter-information-calendar.pdf.

<sup>100</sup> Okla. Stat. tit. 26. § 14-105.

<sup>&</sup>lt;sup>101</sup> Okla. Stat. tit. 26, § 14-110.1,

https://oklahoma.gov/elections/voters/absentee-voting/voters-confined-to-a-nursing-home-or-veteran-s-center.html.

<sup>&</sup>lt;sup>102</sup> Okla. Stat. tit. 26, § 14-115.1.

https://oklahoma.gov/elections/about-us/county-election-boards.html.

- o The voter is unable to vote in person due to physical incapacity, and
- The physical incapacity originated after the deadline to request an absentee ballot.
- The voter's request must be signed by the voter, or by a witness at the voter's direction if the voter is unable to sign their own name.
- The voter must select an agent to take the request in-person to the voter's local county election board. See <u>Question 51</u>.
- **Note:** The voter's local county election board can provide forms for both the voter's request and the doctor's statement.
- The agent must return the voter's ballot to the county election board before 7:00 p.m. central time on Election Day (*i.e.*, November 5, 2024 for the 2024 general election).
- Additional information is located on the Oklahoma State Election Board website.

**Deployed as a First Responder.** A voter who is deployed as a first responder or emergency worker to assist with the rescue, recovery, or relief efforts of a declared natural disaster or state of emergency after the deadline to request an absentee ballot (see <u>Question 50</u>) may make a written request for an emergency absentee ballot. <sup>105</sup>

- The voter must make a written request to the local <u>county election board</u>.<sup>106</sup>
- The voter's request must be signed by the voter.
- No one may request an absentee ballot on the voter's behalf.
- The voter must provide proof of identity (see Question 19).
- Note: The voter's local county election board can provide a form for this request.
- The ballot must be returned by the voter to the county election board before 7:00 p.m. central time on Election Day (*i.e.*, November 5, 2024 for the 2024 general election).
- Additional information is located on the Oklahoma State Election Board website.

### 53. **APPLICATION RETURN:** Where and how can I return my absentee ballot application? Can someone return it for me?

### Where and how can I return my absentee ballot application?

- Online. Absentee ballot applications can be completed and returned online through the <u>OK</u>
   <u>Voter Portal</u>. 108
- Other than Online. Voters can also submit a completed <u>application</u><sup>109</sup> to their local <u>county</u> election board<sup>110</sup> by mail, email, fax, or personal delivery.

Can someone return it for me? "Physically Incapacitated Voters," "Caregivers," and "Voters Confined to Nursing Home or Veterans Center" (see <u>Question 49</u>) may designate an agent to request their absentee ballot in person at their local county election board (see <u>Question 51</u>). 111

https://oklahoma.gov/elections/voters/absentee-voting/emergency-incapacitated-voters.html.

<sup>&</sup>lt;sup>105</sup> Okla. Stat. tit. 26, § 14-115.6.

<sup>106</sup> https://oklahoma.gov/elections/about-us/county-election-boards.html.

<sup>&</sup>lt;sup>107</sup> https://oklahoma.gov/elections/voters/absentee-voting/first-responders-and-emergency-workers.html.

https://okvoterportal.okelections.us/.

https://oklahoma.gov/content/dam/ok/en/elections/absentee-ballots/absentee-ballot-application.pdf.

<sup>&</sup>lt;sup>110</sup> https://oklahoma.gov/elections/about-us/county-election-boards.html.

<sup>&</sup>lt;sup>111</sup> Okla. Stat. tit. 26, §§ 14-110.1, 14-115.1.

### 54. **STATUS OF APPLICATION AND/OR BALLOT:** How can I check the status of my absentee ballot application and/or absentee ballot return?

Voters can track their absentee ballots using the OK Voter Portal. 112

## 55. **APPLICATION OR BALLOT REJECTED:** I learned my absentee ballot application and/or ballot was rejected. How can I confirm this and what can I do to fix any errors or get another one?

The voter should follow the directions in the rejection notification. The voter may also reach out to their county election board. 113

### 56. COMPLETING BALLOT: How do I complete the absentee ballot?

Complete the ballot as follows: 114

- 1. Mark the ballot according to the instructions;
- 2. Seal the ballots in the plain opaque envelope;
- 3. Fill out completely and sign the affidavit with the signature notarized by a notary public (at no charge);
- 4. Seal the plain opaque envelope inside the envelope bearing the affidavit; and
- 5. Seal both envelops inside the return envelope.

### **Exceptions to the notarization requirement:**

- Instead of the notarization requirement, the following categories of absentee voters (see <a href="Question 49">Question 49</a>) must have their signatures witnessed by two people:
  - Physically Incapacitated Voters;
  - Caregivers of physically incapacitated persons;
  - Blind Voters;
  - Voters Confined to Nursing Home or Veterans Center in the county where they are registered to vote (the witnesses must be the members of the county's Absentee Voting Board); and
  - Voters using an emergency absentee ballot due to the onset of physical disability (see Question 52).
- Military and overseas voters only need a signed and dated affidavit.
- See the OK State Election Board website 115 for more information.

#### 57. ASSISTANCE COMPLETING BALLOT: Can someone assist me filling out the ballot?

Yes, if the assistance is required due to blindness, disability, or inability to read or write. The voter can choose the assistant, except the assistant cannot be the voter's employer, voter's employer's agent, or an officer or agent of the voter's union. Be sure to follow any specific instructions provided with the absentee ballot.

<sup>112</sup> https://okvoterportal.okelections.us/.

https://oklahoma.gov/elections/about-us/county-election-boards.html.

<sup>&</sup>lt;sup>114</sup> Okla. Stat. tit. 26, § 14-108.

<sup>115</sup> https://oklahoma.gov/elections/voters/absentee-voting.html.

<sup>&</sup>lt;sup>116</sup> Okla. Stat. tit. 26, § 7-123.3.

### 58. **BALLOT DEADLINES:** What is the deadline for the ballot to be postmarked and/or received by, including dropping it off in person?

Absentee ballots may be returned to the voter's local <u>county election board</u><sup>117</sup> by hand delivery, U.S. mail, or private mail service (for example, FedEx), if the private mail service has delivery documentation.<sup>118</sup>

- If returning by mail, absentee ballots must be received by the voter's local county election board no later than 7:00 p.m. central time on Election Day (*i.e.*, November 5, 2024 for the 2024 general election).
- If returning by hand delivery, the ballot must be delivered no later than the end of regular business hours the day before Election Day (*i.e.*, November 5, 2024 for the 2024 general election). Voters who hand deliver must comply with the same proof of identity requirements as in-person voters. See Question 19. 119
- Voters using an emergency absentee ballot due to the onset of physical disability may have the same agent who requested the ballot return the ballot no later than 7:00 p.m. central time on Election Day (*i.e.*, November 5, 2024 for the 2024 general election).<sup>120</sup>

### 59. BALLOT DROP OFF LOCATIONS: Where can I drop off a ballot (instead of mailing it)?

Voters may hand deliver their ballot to their local county election board 121.122

### 60. ASSISTANCE DROPPING OFF: Can someone else drop off my completed ballot for me?

Yes, but only in limited circumstances:

- A voter's spouse may return the voter's absentee ballot by mail with the voter's consent; 123
- Voters using an emergency absentee ballot due to the onset of physical disability may have the same agent who requested the ballot return the ballot;<sup>124</sup> and
- Voters Confined to Nursing Home or Veterans Center in the county where they are registered to vote will have their ballots delivered and collected by the county's Absentee Voting Board.<sup>125</sup>

### 61. **LOST OR SPOILED:** What if I lost my absentee ballot or it is spoiled or I received an incorrect one?

A voter who lost or did not receive their ballot may submit a written application for a second set of absentee ballots if more than seven days have passed since the ballots were sent by the county election board. Application requirements:<sup>126</sup>

- The voter must swear or affirm that the ballots were lost or not received and that the voter will vote only one set of ballots:
- The voter's signature must be notarized or witnessed as specified in Question 56; and

https://oklahoma.gov/elections/about-us/county-election-boards.html.

<sup>&</sup>lt;sup>118</sup> Okla. Stat. tit. 26, § 14-108(A).

<sup>&</sup>lt;sup>119</sup> Okla. Stat. tit. 26, § 14-108(C).

<sup>&</sup>lt;sup>120</sup> Okla. Stat. tit. 26, § 14-115.1.

https://oklahoma.gov/elections/about-us/county-election-boards.html.

<sup>&</sup>lt;sup>122</sup> Okla. Stat. tit. 26, § 14-108(A).

<sup>&</sup>lt;sup>123</sup> Okla. Stat. tit. 26, § 14-101.1(B)(5).

<sup>&</sup>lt;sup>124</sup> Okla. Stat. tit. 26, § 14-115.1.

<sup>&</sup>lt;sup>125</sup> Okla. Stat. tit. 26, § 14-115.

<sup>&</sup>lt;sup>126</sup> Okla. Stat. tit. 26, § 14-121.1.

- The application must be transmitted to the local <u>county election board</u><sup>127</sup> in person by the voter, by U.S. mail, or by an agent designated by the voter.
  - An agent must be:
    - At least 16 years old;
    - Not employed by or related within the third degree by blood or marriage to any candidate on the ballot; and
    - Only representing one voter, per election.

Voters who receive spoiled or incorrect ballots should contact their local <u>county election board</u><sup>128</sup> or the OK State Election Board<sup>129</sup> for assistance.

62. **NON-RECEIPT OF BALLOT:** What if I requested an absentee ballot but have not received it? Can I do anything?

The procedures for non-receipt of an absentee ballot are the same as for a lost absentee ballot. See <u>Question 61</u>.

63. IN PERSON OPTION: What if I requested an absentee ballot but I want to vote in person on Election Day?

A voter who requested an absentee ballot can vote in person on Election Day (*i.e.*, November 5, 2024 for the 2024 general election) by signing an affidavit swearing that the voter has not cast the absentee ballot and is entitled to vote in person.<sup>130</sup>

64. IN PERSON ABSENTEE: Where do I vote in-person absentee? When can I do this?

In Oklahoma, in-person absentee voting is also known as early voting. For where, see <u>Question 28</u>. For when, see <u>Question 27</u>.

## **POLLING PLACE ISSUES**

65. POLLING PLACE NOT OPEN: The polling place is not open. What should I do?

If a polling place is not open during the hours that it should be open, the voter should call the <u>county</u> <u>election board</u>. <sup>131</sup>

66. **LONG LINES:** There are long lines at the polling place. What should I do? What if the polls are closing while I'm in line?

<sup>127</sup> https://oklahoma.gov/elections/about-us/county-election-boards.html.

https://oklahoma.gov/elections/about-us/county-election-boards.html.

https://oklahoma.gov/elections.html.

<sup>&</sup>lt;sup>130</sup> Okla. Stat. tit. 26, § 7-115.

<sup>131</sup> https://oklahoma.gov/elections/about-us/county-election-boards.html.

Voters must wait in line to vote. Any voter who is in line before polls close at 7:00 p.m. central time is entitled to cast a ballot. <sup>132</sup> Voters may contact the election workers or the local county election board. <sup>133</sup>

67. EQUIPMENT FAILURE: What should I do if there are equipment problems at my precinct?

Voters should immediately notify the poll workers if the voting equipment breaks down. All ballots are on paper and are scanned using machines. If the machines malfunction, the poll workers should put out locked, emergency bins to collect the paper ballots.<sup>134</sup>

A voter who spoils a ballot in an effort to vote must fold the ballot and return it to the clerk. The clerk must destroy the ballot in the presence of the voter and issue a new ballot. The voter must sign a statement affirming that these procedures were followed.<sup>135</sup>

68. **CAMPAIGNING:** What rules apply to people campaigning or "hanging around" my polling place? What counts as campaigning or electioneering? Can people approach me?

### Electioneering. 136

- "Electioneering" means (a) advocating directly for or against a candidate or question that is or
  will be on the ballot through any type of communication (includes verbally, visually, etc.), or (b)
  collecting signatures, soliciting contact information, or distributing information for candidates or
  issues that may be on future ballots.
- Electioneering is prohibited within 300 feet of the entrance to a polling place or a person standing in line to vote while an election is in progress.
- No printed material except material provided by the election board can be placed or exposed within 300 feet of the entrance while an election is in progress.

**Loitering.** Only election officials, voters registered and voting at the polling place, minor children or dependents of voters, and other people authorized by law can be inside the polling place or within 50 feet of the entrance while an election is in progress.<sup>137</sup>

**Pollsters.** Persons conducting exit polls ("pollsters") displaying required identification (which shall be provided to the pollster by the secretary of the county election board) may be present within 300 feet of ballot boxes, <sup>138</sup> but are not permitted inside the polling place or within 50 feet of the entrance while the election is in progress. <sup>139</sup> Pollsters are limited to written polling materials, with any oral interviews of voters or electronic recording to take place at least 150 feet from any ballot box. <sup>140</sup> Pollsters may approach voters who have completed their voting but participation in any exit poll is voluntary. <sup>141</sup>

**Reporters and Photographers.** A news reporter or photographer may, in the course of covering the election being conducted, be allowed inside the election enclosure for no more than five minutes. Such

<sup>&</sup>lt;sup>132</sup> Okla. Stat. tit. 26, § 7-104.

<sup>133</sup> https://oklahoma.gov/elections/about-us/county-election-boards.html.

<sup>134</sup> https://oklahoma.gov/elections/security-integrity/voting-devices.html.

<sup>&</sup>lt;sup>135</sup> Okla. Stat. tit. 26, § 7-122.

<sup>&</sup>lt;sup>136</sup> Okla. Stat. tit. 26, § 7-108.

<sup>&</sup>lt;sup>137</sup> Okla. Stat. tit. 26, § 7-108(A).

<sup>&</sup>lt;sup>138</sup> Okla. Stat. tit. 26, § 7-108.2

<sup>&</sup>lt;sup>139</sup> Okla. Stat. tit. 26, § 7-108.3

<sup>&</sup>lt;sup>140</sup> Okla. Stat. tit. 26, § 7-108.4.

<sup>&</sup>lt;sup>141</sup> Okla. Stat. tit. 26, § 7-108.5.

reporter or photographer shall not interfere with voters or election officials and shall neither observe any individual voter while the voter marks a ballot nor photograph any voter who is marking a ballot. 142

**Poll Watchers.** Commissioned watchers are entitled to observe the voting booth before the polls are open and after the polls are closed, but cannot be present at the polling place at other times unless observing voting device testing or accompanying personnel assigned to repair or maintain voting machines.<sup>143</sup>

**Interference with Voters and Intimidation.** No person, including a lawfully appointed watcher or pollster, may interfere with a registered voter who is attempting to vote, or attempt to influence the vote of another by means of force or intimidation, or otherwise interfere with the orderly and lawful conduct of an election. <sup>144</sup> See Question 71 for more information on intimidation.

69. **VOTER CONDUCT:** What am I prohibited from wearing or doing in a polling place? Can I take photos inside?

**Marking Ballots.** Ballots must be marked within a voting booth. No more than one person can occupy a voting booth, unless otherwise authorized by law (for example, a voter receiving assistance). <sup>145</sup>

**Time Limit.** Voters voting without assistance may only remain in the voting booth for 5 minutes while others are waiting, or 10 minutes if others are not waiting. <sup>146</sup>

**Pictures.** Voters may take pictures of their marked ballot and share the image. 147

**Disclosure of Vote.** Voters are prohibited from disclosing how they voted or exposing their ballot to anyone within the polling place. <sup>148</sup>

**Duty to Leave.** Voters must immediately leave the polling place after inserting their ballot into the voting device. <sup>149</sup>

**Electioneering.** Voters are subject to the general prohibition against electioneering, which includes wearing anything directly advocating for or against any candidate or question. See Question 68.

**Alcohol / Intoxication.** Voters are prohibited from taking any intoxicating liquors within ½ mile of any polling place on Election Day. Voters may also not attend an election or be within 300 feet of a polling place while intoxicated on Election Day. 151

<sup>&</sup>lt;sup>142</sup> Okla. Stat. tit. 26, § 7-112.

<sup>&</sup>lt;sup>143</sup> Okla. Stat. tit. 26, § 7-130.

<sup>&</sup>lt;sup>144</sup> Okla. Stat. tit. 26, § 16-113.

<sup>&</sup>lt;sup>145</sup> Okla. Stat. tit. 26, § 7-118.

<sup>&</sup>lt;sup>146</sup> Okla. Stat. tit. 26, § 7-121.

<sup>&</sup>lt;sup>147</sup> Okla. Stat. tit. 26, § 7-109.

<sup>&</sup>lt;sup>148</sup> *Id*.

<sup>&</sup>lt;sup>149</sup> Okla. Stat. tit. 26, § 7-120.

<sup>&</sup>lt;sup>150</sup> Okla. Stat. tit. 26, § 7-108.

<sup>&</sup>lt;sup>151</sup> Okla. Stat. tit. 26, § 7-110.

**Removing / Carrying In Ballots.** It is a felony to knowingly remove a ballot from a polling place or carry a ballot into a polling place. <sup>152</sup>

**Unlawful Access / Tampering with Election Systems.** It is a felony to intentionally access, tamper with, or damage election system, or attempt to do so. <sup>153</sup>

70. POLL WORKER CONDUCT: What is a poll worker prohibited from wearing or doing in a polling place?

**Electioneering.** Poll workers are subject to the general prohibition on electioneering, which includes wearing anything directly advocating for or against any candidate or question. <sup>154</sup> See <u>Question 68</u>.

**Alcohol / Intoxication.** Poll workers are subject to the general prohibition on alcohol / intoxication. See Question 69.

**Voter Intimidation.** Poll workers are subject to the general prohibition on voter intimidation. See <u>Question 71</u>.

**Disclosure of Votes.** Poll workers may not disclose how any voter has voted, or prematurely disclose the vote count. <sup>155</sup>

71. **INTIMIDATION:** Are there any other specific restrictions on conduct outside of a polling place? What should I do if I feel unsafe or uncomfortable outside the polling place?

Federal law requires that voters be able to exercise their right to vote without interference or intimidation. Oklahoma specifically prohibits interfering with a registered voter who is attempting to vote, or attempting to influence the vote of another by means of force or intimidation, or otherwise interfering with the orderly and lawful conduct of an election. Is 157

Some examples of voter intimidation are:

- Aggressively questioning voters about their citizenship, criminal record, or other qualifications to vote, in a manner intended to interfere with the voters' rights;
- Falsely presenting oneself as an election official;
- Spreading false information about voter requirements, such as an ability to speak English;
- Displaying false or misleading signs about voter fraud and the criminal penalties of voter fraud; and
- Other forms of harassment, particularly harassment targeted towards non-English speakers and voters of color.

Voter intimidation is to be taken seriously and can be reported to the organizations below.

- The Election Protection Hotline: 1-866-OUR-VOTE or 1-888-VE-Y-VOTA (in Spanish)
- The U.S. Department of Justice Voting Rights Hotline: 1-800-253-3931; TTY line 1-877-267-8971.
- Local and state officials, including election workers and the Oklahoma State Election Board. 158

<sup>&</sup>lt;sup>152</sup> Okla. Stat. tit. 26, § 16-102.1.

<sup>&</sup>lt;sup>153</sup> Okla. Stat. tit. 26, § 16-124.

<sup>&</sup>lt;sup>154</sup> Okla. Stat. tit. 26, § 7-108.

<sup>&</sup>lt;sup>155</sup> Okla. Stat. tit. 26, §§ 16-116, 16-117.

<sup>&</sup>lt;sup>156</sup> 52 U.S.C. §10101(b); 18 U.S.C. §594.

<sup>&</sup>lt;sup>157</sup> Okla. Stat. tit. 26, § 16-113.

<sup>158</sup> https://oklahoma.gov/elections.html.

72. **CHALLENGE:** Someone is formally challenging my vote. What should I do?

Oklahoma does not allow individuals to challenge a voter's qualifications. However, voters without acceptable identification or who are not listed in the registry may be required to cast a provisional ballot. See Questions 20–24.

73. **POLICE/MILITARY PRESENCE:** There are police/members of the military at the polling place. Is this okay? What should I do?

Both state and federal law require that voters be able to exercise their right to vote without interference or intimidation (see Question 71).

74. **THOUGHT WAS REGISTERED:** My name isn't on the voter registration roll but I thought I was registered. What should I do?

The voter should ensure they are registered and at the correct polling place by checking the OK Voter Portal or contacting the local county election board. 160

Voters who are not listed but claim to be registered and eligible to vote in the precinct can cast a provisional ballot. See <u>Question 21</u>.

Note that Oklahoma maintains a process for voter list management that can result in a voter's name being removed from the voter registration rolls. See <u>Question 83</u>.

75. PROVISIONAL BALLOT: I have been offered a provisional ballot. What should I do?

See Questions 23-24.

# **ACCESSIBILITY/ASSISTANCE**

76. EQUIPMENT ASSISTANCE: I don't know how to use the voting equipment. Can I get help?

Yes, instructions on how to use the voting equipment should be posted outside each polling place and inside each voting booth. A voter may also request assistance from a poll worker. Additional information on the voting machines is available on the OK State Election Board website <a href="here">here</a>. 162 and how to vote more generally <a href="here">here</a>. 162

77. **PHYSICAL DISABILITY:** I have a physical disability and need assistance. Is my polling place ADA compliant? Does my voting location have an accessible voting system?

<sup>159</sup> https://okvoterportal.okelections.us/.

<sup>160</sup> https://oklahoma.gov/elections/about-us/county-election-boards.html.

<sup>&</sup>lt;sup>161</sup> https://oklahoma.gov/elections/security-integrity/voting-devices.html.

<sup>162</sup> https://oklahoma.gov/elections/voters/how-to-vote.html.

The Americans with Disabilities Act (ADA) requires that people with disabilities have a full and equal opportunity to participate in government programs, including voting at polling places. <sup>163</sup> However, not all polling places are guaranteed to be ADA compliant. Concerned voters should contact their local <u>county election board</u> <sup>164</sup> prior to arriving at the polling place.

Physically disabled voters who are able to reach the polling place but cannot reach the voting booths due to the physical disability must swear an oath that they are physically disabled. Once the oath is sworn, two precinct officials of different political parties must give the voter any assistance as needed in voting while providing the voter with as much privacy as possible.<sup>165</sup>

If a voter comes to the polling place but is unable to enter the polling place due to a physical disability, such voter is entitled to vote outside the polling place assisted by two precinct officials. Before going outside to help the disabled voter, the precinct officials must stop processing voters inside the polling place, and must not resume processing voters inside the polling place until after they finish assisting the voter outside. <sup>166</sup>

Physically disabled voters may also request assistance in the voting booth as described in Question 78.

78. **READING/LANGUAGE ASSISTANCE:** I am blind, have a physical disability, or cannot read English and require assistance in order to vote. Can I get assistance at the polls?

Yes. Any voter who needs assistance due to blindness, disability, or inability to read or write is entitled to have a person of their choice (other than the voter's employer, an agent of the employer, or an officer or agent of the voter's union), mark the voter's choices or assist the voter in marking their choices on the ballot. The voter must swear that assistance is required and the person providing assistance must swear that the voter's ballot is being voted in accordance with the voter's wishes.<sup>167</sup>

Oklahoma uses a Hart InterCivic eScan A/T Voting device equipped with an audio tactile interface ("ATI") that provides an audio version of the ballot and audio instructions. Voters who use "sip and puff" or tactile input switches may plug their own assistive devices into the ATI controller and use them to operate it. See the OK State Election Board website for more information.

79. **LANGUAGE ACCESS:** I am not an English speaker. What language resources are available? Can I bring someone in the booth to help me understand the ballot?

Voters needing language assistance may bring a person of their choice into the voting booth to assist. See <u>Question 78</u>.

80. **CURBSIDE VOTING:** Is curbside voting available? How do I request it?

See <u>Question 77</u> regarding physically disabled voters unable to reach the voting booths. Voters needing assistance should contact the election workers at the polling place or the local <u>county election board</u>. <sup>169</sup>

<sup>&</sup>lt;sup>163</sup> See 42 U.S.C. § 12132.

https://oklahoma.gov/elections/about-us/county-election-boards.html.

<sup>&</sup>lt;sup>165</sup> Okla. Stat. tit. 26, § 7-123.1.

<sup>&</sup>lt;sup>166</sup> Okla. Admin. Code § 230:35-5-119.

<sup>&</sup>lt;sup>167</sup> Okla. Stat. tit. 26, § 7-123.3.

<sup>168</sup> https://oklahoma.gov/elections/voters/accessibility-for-disabled-voters.html.

https://oklahoma.gov/elections/about-us/county-election-boards.html.

### 81. VOTER GUIDE: Can I bring a voting guide or reference notes with me into the voting booth?

Yes. Voters are prohibited from exposing any printed material (such as a voting guide or reference notes) not provided by the election board within 300 feet of the entrance to the polling place. <sup>170</sup> However, voters may bring such material and keep it out of public view until marking their ballots in the voting booth. Note that some polling places do restrict cell phone use, so voters should bring paper copies instead of relying on their phones. Voters should check the rules with their county elections board.

# **STATE SPECIFIC SUPPLEMENT**

#### 82. ABSENTEE BALLOT HARVESTING: What is Absentee Ballot Harvesting?

Generally, Absentee Ballot Harvesting is unlawfully interacting with the absentee ballot of another person. Specifically prohibited activities include: 171

- collecting an absentee ballot from another person with intent to return the ballot on behalf of that person,
- submitting an absentee ballot on behalf of another person,
- requesting or receiving an absentee ballot on behalf of another person, and
- partially or fully completing an absentee ballot application on behalf of another person without that person's prior consent.

Except when specifically permitted by law (for example, when a person has been designated as an agent for a physically incapacitated voter), voters should avoid interacting with the absentee ballot of another voter.

83. **INACTIVE VOTERS:** My voter registration says I am "inactive." What does this mean? How do I become active?

Oklahoma maintains a process for voter list management that can result in a voter's name being removed from the voter registration rolls. In odd-numbered years, the Oklahoma State Election Board mails address confirmation notices to certain voters. A voter may receive the address confirmation mailing for many reasons, including if a first-class mailing from the county or state election board addressed to the voter at their registered address was returned, or if the voter has not voted or initiated a voter registration change since before the next to last general election. A voter who does not respond to the address confirmation mailing or whose address confirmation mailing is returned as non-forwardable or undeliverable will be designated as "inactive" on the voter rolls 60 days after the date the address confirmation mailing was sent. "Inactive" voters who do not vote and have no further voter activity, such as updating their address or party affiliation, are removed from the voter list

<sup>&</sup>lt;sup>170</sup> Okla. Stat. tit. 26, § 7-108.

<sup>&</sup>lt;sup>171</sup> Okla. Stat. tit. 26, § 14-101.1.

<sup>&</sup>lt;sup>172</sup> Okla. Stat. tit. 26, § 4-120.2(A).

following two consecutive general elections for federal office.<sup>173</sup> More information may be found on the State Election Board website.<sup>174</sup>

A voter may restore their status to "active" by voting in any election or updating their voter registration information. <sup>175</sup> Voters can obtain information about why their status was changed to "inactive" from their county election board. <sup>176</sup>

A voter whose registration has been canceled, but who is otherwise eligible to vote, must register again before they can vote. 177

84. **POLLING PLACE CLOSURE TO ASSIST PHYSICALLY DISABLED VOTERS:** I arrived at my polling place to discover that it is closed temporarily while the precinct officials assist a voter outside. Can they do that?

If a voter comes to the polling place but is unable to enter the polling place due to a physical disability, such voter is entitled to vote outside the polling place assisted by two precinct officials. Before going outside to help the disabled voter, the precinct officials must stop processing voters inside the polling place, and must not resume processing voters inside the polling place until after they finish assisting the voter outside.<sup>178</sup>

85. **QUESTIONS:** Who should I contact if I have questions about any of the above?

For additional information about voting in Oklahoma, a voter may contact the voter's local county election board or the State Election Board. Also, Frequently Asked Questions on voting prepared by the State Election Board may be found here. 181

<sup>&</sup>lt;sup>173</sup> Okla. Stat. tit. 26, §§ 4-120(A)(6), 4-120.2(B).

https://oklahoma.gov/elections/ovp/2023-address-confirmation-notice.html.

<sup>&</sup>lt;sup>175</sup> Okla. Stat. tit. 26, § 4-120.2(B).

https://oklahoma.gov/elections/about-us/county-election-boards.html.

<sup>&</sup>lt;sup>177</sup> Okla. Stat. tit. 26, § 4-120.8.

<sup>&</sup>lt;sup>178</sup> Okla. Admin. Code § 230:35-5-119.

<sup>179</sup> https://oklahoma.gov/elections/about-us/county-election-boards.html.

<sup>180</sup> https://oklahoma.gov/elections.html.

<sup>181</sup> https://oklahoma.gov/elections/fags.html.