



Rapid Response Evaluation: Absentee Voting

Report: 23-270-01



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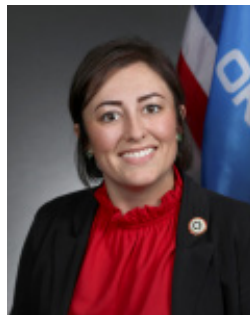
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Key Objectives:

- Describe the State’s administrative process for distributing, receiving, counting, and verifying mail in absentee ballots.
- Evaluate State Election Board and County Election Board compliance with statutory provisions regarding absentee voting.
- Compare Oklahoma’s absentee voting procedures to other states.
- Assess procedural controls in place to verify security and accuracy of absentee ballots.

Executive Summary

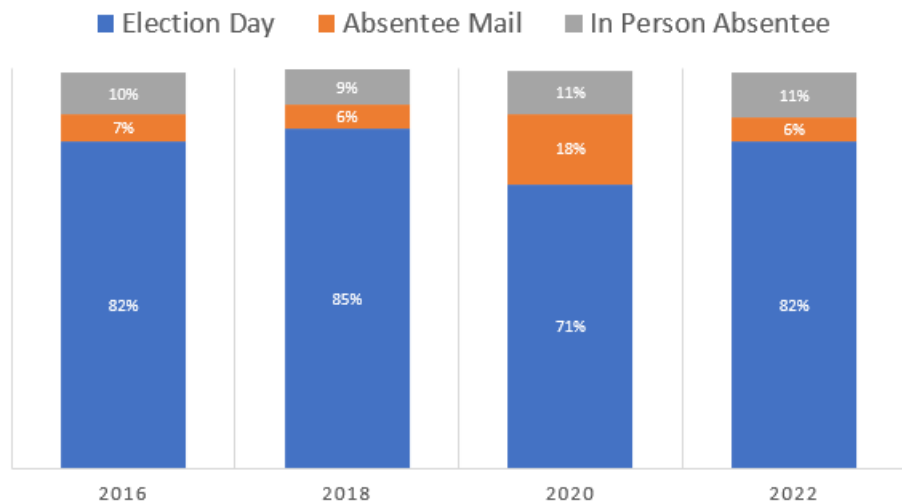
Oklahoma law emphasizes election security, while providing numerous opportunities for those who cannot get to the polls on election day to cast their vote in other ways. Voters can request in advance to receive a ballot by mail, or they can vote in-person on one of several early voting days, also known as in-person absentee voting. This report focuses primarily on traditional absentee voting; that is, casting a ballot away from the polls.

Oklahoma does not require an excuse to vote absentee and provides six types of absentee voting to accommodate as many voters as possible. Each accommodation has different procedures and methods of verification.

Absentee Voter Type:	Verification Method:
Standard Absentee	Notarization
Physically Incapacitated (and Caregivers)	2 Witnesses
Nursing Home or Veteran’s Center	Members of the County Election Board (Absentee Voting Board)
Military, Military Spouses, or Oklahoma Residents Living Overseas	Signed Affidavit
Emergency Incapacitated	Doctor’s Note, 2 Witnesses
First Responders and Emergency Workers	Deployment Documentation, Notarization

Oklahomans choose to vote in-person on election day at a higher rate than most states. Six to seven percent of Oklahomans typically vote absentee in a general election compared to the national average of 25 percent. In the 2022 General Election approximately 71,000 votes out of 1.15 million were cast absentee.

Oklahoma Voting Methods

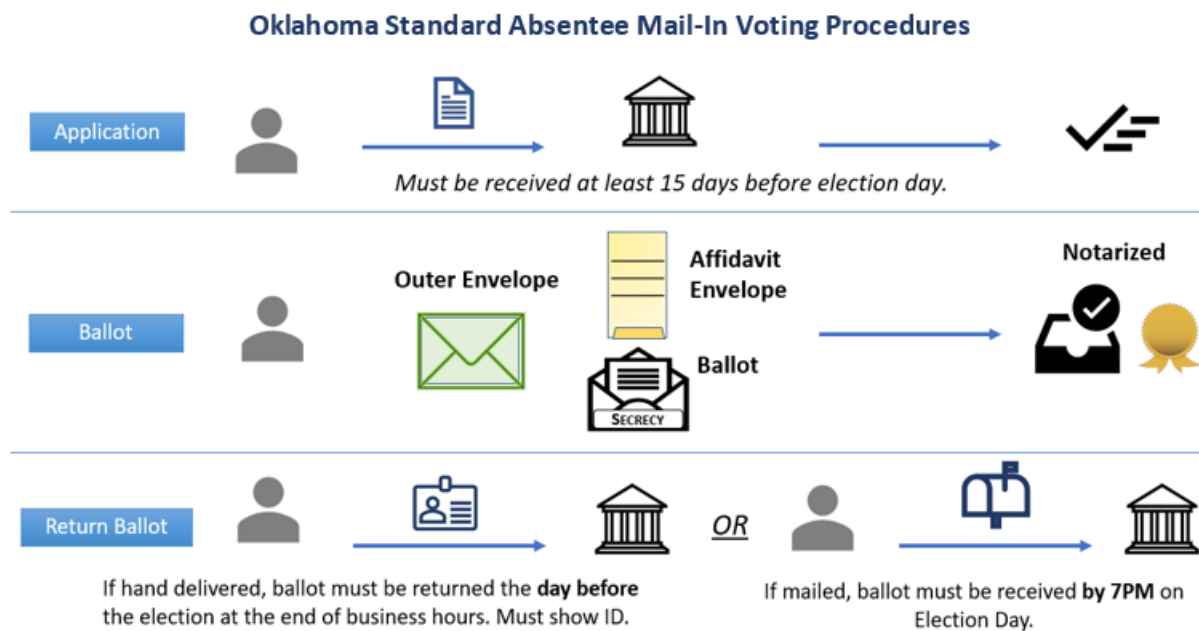


In Oklahoma, elections are overseen by the State Election Board Agency and carried out by local County Election Boards (CEBs). CEBs are responsible for the secure processing and counting of both absentee and in person ballots, while the State Election Board has general supervisory authority over CEBs. The Secretary of the State Election Board is responsible for administering Oklahoma's elections in accordance with the law.

With this evaluation, LOFT examined the absentee voting procedures required by Oklahoma law, observed the level of county compliance with those processes, and evaluated the security and accuracy of votes cast by absentee ballot. This evaluation resulted in three key findings:

Finding 1: Oklahoma's Absentee Voting Processes Enable Election Integrity

Since absentee voting takes place away from the supervision of poll workers, states use other methods to verify the identity of an absentee voter. Oklahoma is one of three states that requires voters to include a notarized affidavit along with the absentee ballot. Notarization is widely considered the most secure method of absentee voter identification verification.



Standard absentee voting requires a notarized affidavit to be returned with the ballot, attesting to the voter's identity. By law, there is no charge for notarizing an absentee ballot. Voters then mail or hand deliver their ballot to the County Election Board.

CEBs bear primary responsibility for securing absentee ballots from the time ballots are received, through the counting process, and must maintain them for two years after the election. Strict chain of custody procedures, imposed by statute and clarified by rules issued by the State Election Board, ensure that only valid votes are counted.

Absentee ballots are secured in a box with three unique locks. Each board member holds one key. Ballots are only unlocked during an official public meeting of the CEB, and they are secured again at the end of any such meeting. Processing, confirmation of affidavits and notarizations, and counting also occurs during an open public meeting. Results for both absentee and in person votes are stored on a secure device, and not accessible to anyone until 7pm on election night. Voting machines are secured and sealed prior to use and are never connected to the internet.

Post-election audits confirm the accuracy of Oklahoma’s voting processes. A hand tally of physical paper ballots from the June 2022 Primary Election found no difference compared to the certified election results. An audit of the November General Election, which reviewed 20 races, also confirmed election outcomes. Out of the 20 audited races, nine focused only on absentee ballots. Among those nine, two found the certified results did not match the audit results. Two races were off by one vote due to a missing ballot and a jam in the machine resulting in an incorrect marking on one ballot. The report notes none of these results would have changed the outcome of any electoral races. Additionally, of the 59 cases of voting irregularities reported to local district attorneys in 2020, only one resulted in prosecution.

Finding 2: Local Level Compliance with Effective Processes Yield a Secure and Accurate Vote Count

Oklahoma’s statutorily required processes are strong, requiring secure chain of custody for every ballot throughout the election process. County Election Boards – by law representing the two major parties – must be present any time ballots are opened, processed, or counted. These procedural safeguards are only as good as frontline compliance. To that end, LOFT visited eight County Election Boards of varying sizes to observe processing and counting of absentee ballots.

LOFT did not observe substantial deviation from procedural safeguards. Each board LOFT observed demonstrated great care to count every valid vote and exclude every invalid vote. While there were minor exceptions, these did not present a security risk. Instead LOFT observed minor issues like a single CEB member having one key that opened two of the three locks on a ballot box, and a different county where ballots were briefly out of the view of the public because the camera in a hallway was not functioning. While these issues should be resolved, they do not undermine the legitimacy of election results.

Finding 3: Oklahoma’s Uniform Election System Supports Election Security and Efficiency

Oklahoma is one of only three states in the nation that has a truly uniform voting system in which both the laws and the equipment are the same for the entire state. Oklahoma was the first state to implement this level of uniformity, when in 1974 the State went from four electoral systems to one. In the 1990’s Oklahoma purchased identical counting equipment for every precinct in the state.

Research and stakeholder engagements identified several advantages with a unified election system. Voter confidence is improved when every voter has the same experience regardless of which county they vote in. Additionally, Oklahoma’s processes allow for quick and efficient reporting of election outcomes, which also instills voter confidence. Further, it can improve integrity and efficiency, as the State Election Board can become an expert in a single system rather than struggling to learn the intricacies of a dozen or more systems, as seen in some states.

While there are some potential downsides to a unified system, Oklahoma has avoided most if not all of them. The biggest problem with unified systems is that a hacker could infiltrate the whole state’s system, instead of only certain counties. However, Oklahoma voting machines are not connected to the internet, and the device that transmits the count from precincts to the State Election Board is only connected on election night, providing strong protection against cyber attacks. In light of these protections, the uniformity of Oklahoma’s election system enhances the integrity and security of election outcomes.

Summary of Policy Considerations and Agency Recommendations

Policy Considerations

The Legislature may consider the following policy changes:

- Requiring that any future changes to Oklahoma’s election processes or voting equipment maintain the statewide uniformity of the election system.
- Requiring post-election audits by the State Election Board. Current statutes permit the audits, but do not require them.
- Requiring risk limiting audits to be conducted by the State Election Board, contingent upon the purchase of updated voting technology.
- Exempt voting equipment from approval requirements under Title 74, Section 85.5.
- Expand the use of Nursing Home Absentee Boards to include residents at Assisted Living and Residential Care Facilities who have limited mobility.
- Requiring County Election Boards to count absentee ballots in a single room that is accessible to the public.
- Changing the name of the State Election Board agency to the State Election Agency or Bureau to avoid confusion with the State Election Board.
- Changing the statutory term of “in-person absentee” voting to “early voting” to clarify the types of voting available to the electorate.

Agency Recommendations

The Agency should:

- Indicate the postage required on the upper right-hand corner of the outer mailing envelope for mail in ballots.
- Clarify for County Election Boards:
 - Whether two properly notarized ballots may be mailed in a single outer envelope.
 - Whether a signed and notarized ballot must also include the date signed.
- Clarify the voter instructions provided with the absentee ballot to describe the steps needed to notarize a ballot. Include a link to the State Election Board website for a list of free notary publics in their area.
- Require two staff or board members be physically present with the ballots at all times when transporting unlocked ballots between rooms, such as what occurs in large counties.
- Clarify that each lock on the absentee storage boxes must use a unique key.
- Modify absentee ballot rejection categories to distinguish between incorrect notarization or lack of notarization.

Introduction

Oklahoma's voting laws provide accommodations to assist registered voters in participating in federal, state, and local elections. Voters have the option to cast their ballot at a designated early voting site prior to election day, in a process known as in-person absentee voting. Oklahoma also permits voting by mail. This process, referred to as **mail-in absentee voting**, offers additional flexibility to voters who may encounter difficulties voting on the day of the election, and does not require voters to state a particular reason for not voting in person – known as no-excuse absentee voting. Additionally, Oklahoma offers a number of in-person voting exemptions for voters in specific circumstances that would make voting difficult, such as overseas military service, emergency incapacitation occurring after the deadline to request a standard absentee ballot, and those homebound or in nursing homes. Each of these exceptions comes with its own set of requirements, but all allow for casting votes away from a polling place. For purposes of this report, LOFT focused its analysis on the procedure and processes relating to voting options apart from in-person voting, subsequently referred to as absentee voting.

Federal law requires all states to provide some form of absentee voting, however the specific procedures regarding mail in ballots and absentee voter identification verification vary.¹ For instance, eight states conduct their elections primarily by mail and automatically send out ballots to all registered voters, effectively making all residents default absentee voters.² In contrast, all other states - including Oklahoma - require voters to fill out an application to request an absentee ballot.

Oklahoma law permits absentee voting in any government election conducted by a County Election Board.³ In Oklahoma, all 77 County Election Boards follow State law under the supervision and direction of the State Election Board Agency regarding processing and verifying absentee ballots. Absentee ballots must include a signed and notarized affidavit and be returned via mail or hand delivered to a County Election Board official.⁴

Absentee Voting Trends

As demonstrated in Exhibit 1 below, Oklahomans generally prefer to vote in person on election day. In 2016, absentee voting accounted for seven percent of all votes cast in Oklahoma's general election, a figure which declined to 6 percent in 2018, and surged to nearly 18 percent in 2020. Election year 2020 saw a large nationwide increase in absentee voting due to the circumstances surrounding the Coronavirus Pandemic.⁵

1. Uniformed and Overseas Citizens Absentee Voting Act, 99 P.L. 410, et seq.

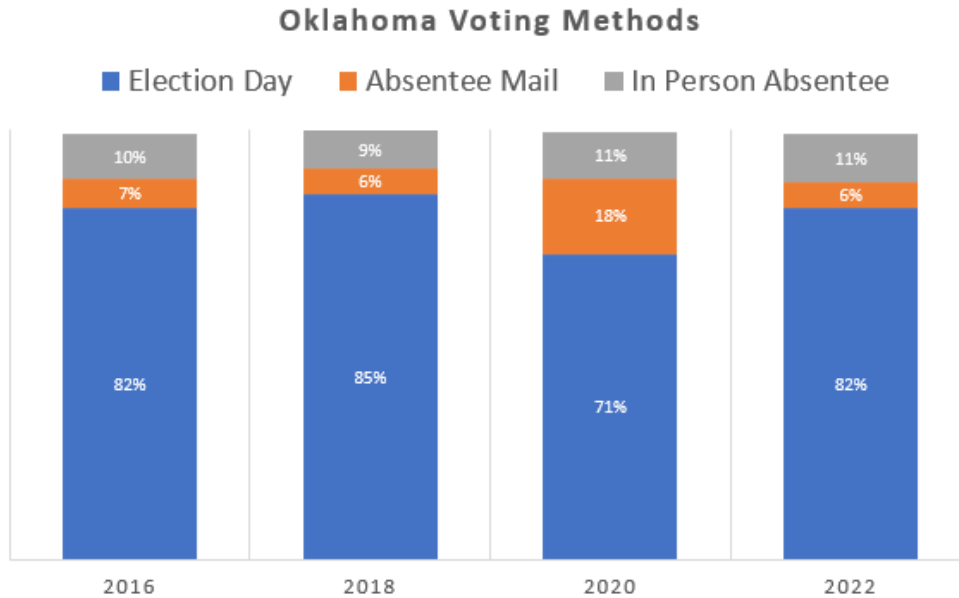
2. The eight states that conduct elections by mail are: California, Colorado, Hawaii, Nevada, Oregon, Utah, Vermont and Washington ([National Conference of State Legislatures](#)).

3. [26 O.S. § 14-101](#).

4. [26 O.S. § 14-108](#).

5. U.S. Election Assistance Commission, [Election Administration and Voting Survey Reports](#): 2020, 2018, 2016; Oklahoma State Election Board 2022 Official Results.

Exhibit 1: Voting Method of Oklahoma Voters. (This chart shows how Oklahomans voted in the last four election cycles. Election year 2020 saw a large increase in absentee voting due to the circumstances surrounding the Coronavirus Pandemic. In-person voting on Election Day rebounded to pre-pandemic levels in the 2022 General Election.)



Source: U.S. Election Assistance Commission, Oklahoma State Election Board.
 Note: Some totals may not add to 100 percent due to rounding.

In response to the Pandemic, the Legislature temporarily changed mail in voter verification procedures, allowing voters to include a photocopy of a valid identification card to certify their ballot instead of requiring verification from a notary. This change was valid only for elections occurring in 2020.⁶ In-person voting on Election Day rebounded to pre-pandemic levels in the 2022 General Election, accounting for 82 percent of the vote, as shown in Exhibit 1 above.

As shown below in Exhibit 2, Oklahomans choose to vote via absentee mail at much lower rates than the rest of the country, with even the 2020 surge being lower than the national rate for the previous years.⁷

Exhibit 2: Comparison of Absentee Voting: Oklahoma and the United States. (This table shows Oklahoma voters tend to vote via absentee mail in much lower rates compared to the nation.)

Percentage of voters voting by mail in the General Election	2016	2018	2020
Oklahoma	6.9%	6%	17.6%
United States	24.5%	25.6%	43.1%

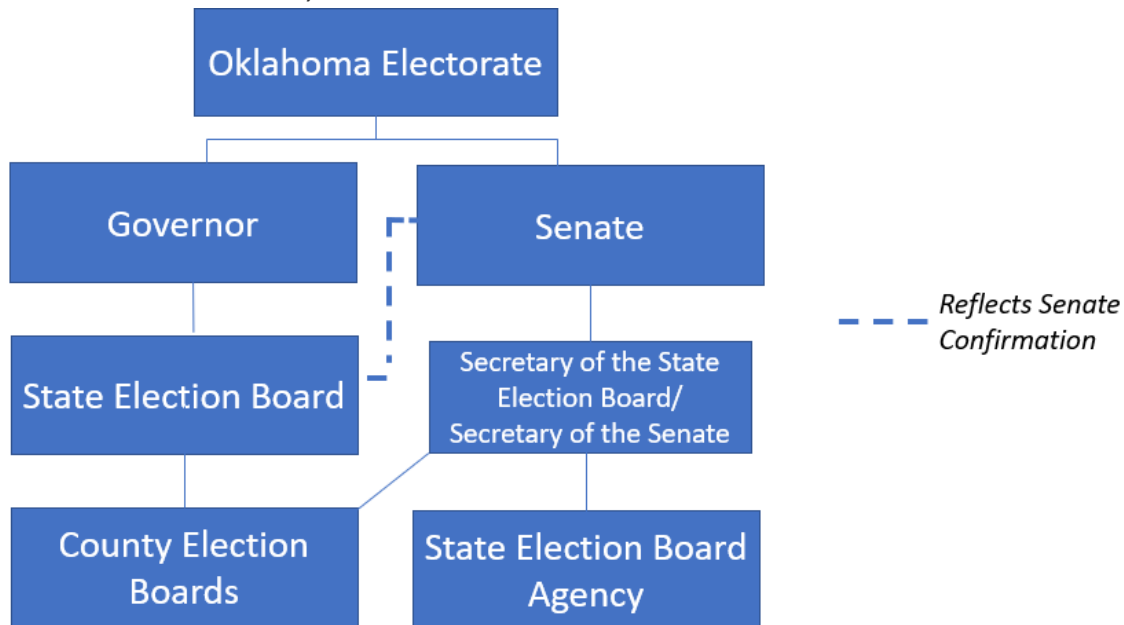
Source: U.S. Election Assistance Commission.

6. [SB 210](#) (2020).

7. U.S. Election Assistance Commission, [Election Administration and Voting Survey Reports](#): 2020, 2018, 2016. Note: Data in table includes states, including those conduct their elections almost entirely by mail.

The chart below shows the governance structure of all entities involved in Oklahoma’s elections. In Oklahoma, elections are overseen by the State Election Board Agency and carried out by local County Election Boards.

Exhibit 3: Oklahoma State Election Board Governance. (This organizational chart shows the governance model of the State Election Board.)



Source: LOFT statutory review.

Note: The Secretary of the Election Board serves in a general supervisory capacity to the County Election Boards, including the ability to step in for a County Election Secretary.

State Election Board

The State Election Board is responsible for certifying federal and state election results, appointing County Election Board members and secretaries, and hearing contests of candidacy. The Board consists of three members and two alternative members.⁸ Every four years, members are appointed by the Governor and confirmed by the Senate. The Governor must choose appointees from a list of ten nominees provided by the political parties with the largest and second largest number of registered voters.⁹ The Governor appoints two members and one alternate member of the State Election Board from one political party and one member and one alternate member of the State Election Board from the other political party. By law, the Secretary of the Senate, who is elected for a two-year term by a majority of the Senate, also serves as the Secretary of the State Election Board.

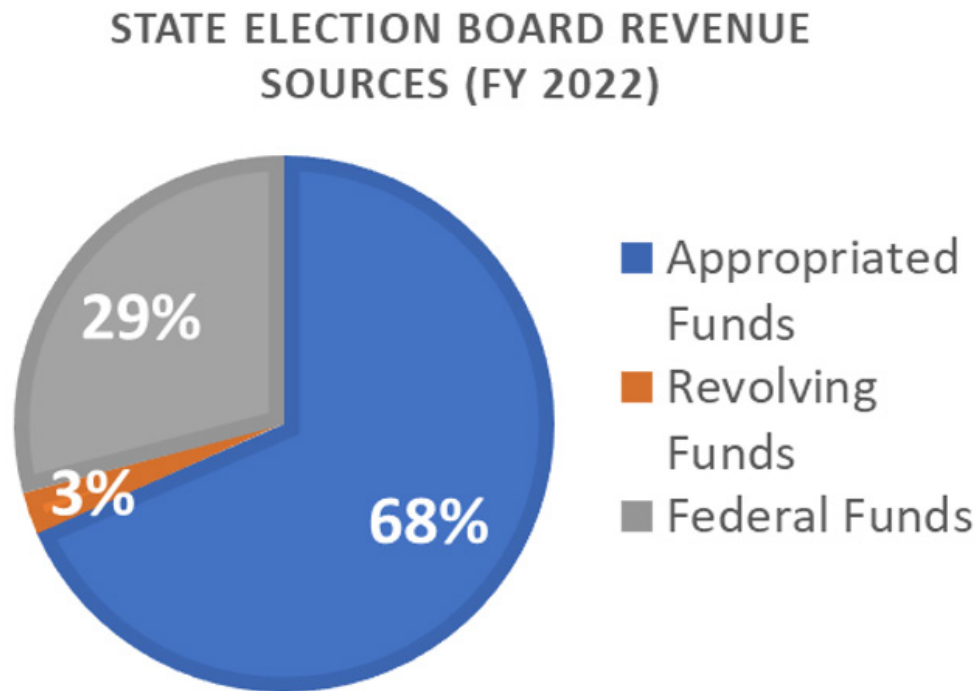
8. [26 O.S. § 2-101.](#)

9. [26 O.S. § 2-101.1.](#) Voter registration count is based upon the lasted January 15 report of state-wide voter registration.

State Election Board Agency

The Secretary of the State Election Board also oversees the State Election Board Agency (“Agency”). The Secretary and Agency staff assist the Board with its duties, while also performing separate statutorily-defined duties.¹⁰ The Secretary oversees the administration of the State Election Board Agency and execution of all Oklahoma state and federal elections.¹¹ The Agency incurs most costs associated with conducting elections in the State. In Fiscal Year 2022, the Agency held approximately \$14.3 million. This funding came from State Appropriations and federal grants, as shown in Exhibit 4, though not all of it was received in FY22.¹²

Exhibit 4: State Election Board Funding Sources. (This pie chart shows the revenue sources of the State Election Board Agency for FY2022).

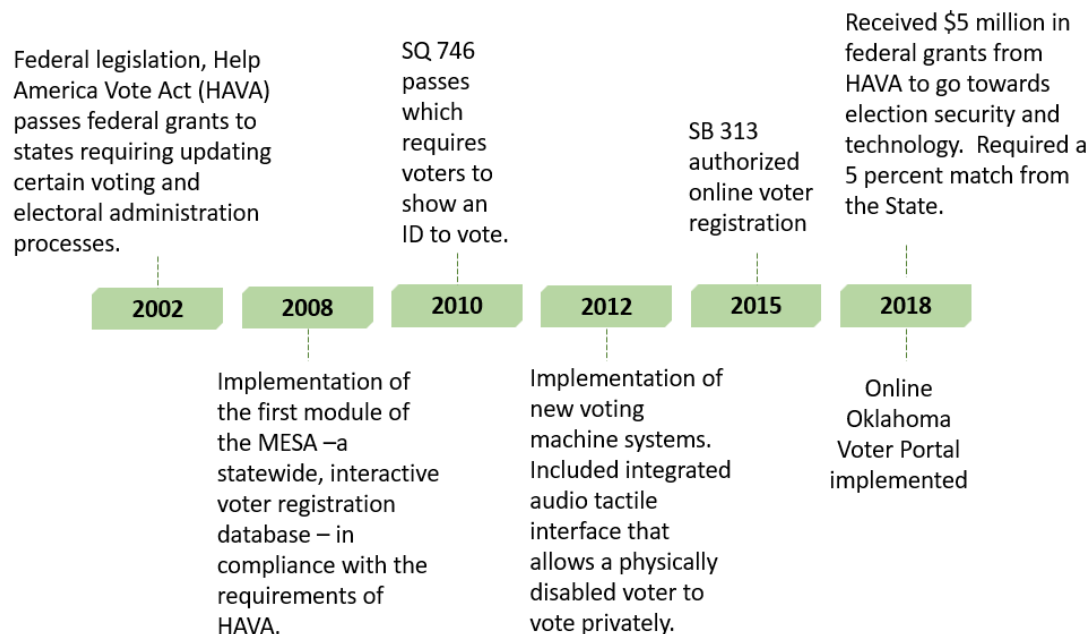


Source: Senate Appropriations Report FY 22. See Appendix N for additional financial data.

Note: Appropriated funds include FY 22 Appropriated Funds and FY 21 Appropriated matching funds towards a Federal Security Grant. Federal Funds category includes general federal funds from Help America Vote Act (HAVA) as well as a Special Depository Fund for HAVA.

10. Funds from State Election Board Agency pay for operations of the State Election Board such as meeting payments and mileage reimbursements of Board Members.
11. [26 O.S. § 2-101.6](#). The Secretary keeps track of official Senate records and provides assistance to the Senate’s presiding officer; Three other states, Maine, New Hampshire, and Tennessee elect their chief election official through their Legislature. However, only in Oklahoma is the official selected solely by the Senate (NCSL). The Secretary is not a voting member of the State Election Board.
12. Most federal grants are restricted in function and may only be used for certain purposes, such as voting machine system upgrades or election security.

Exhibit 5: State Actions Regarding Changes to Oklahoma’s Election System. (This timeline depicts legislative changes and major events regarding Oklahoma’s state election laws and State Election Board programs.)



Source: LOFT Statutory Review, *History of Oklahoma Election Administration*.

County Election Boards

County Election Boards assist the State Election Board Agency with carrying out the rules and procedures of the State’s election process.¹³ The County Election Boards are comprised of a secretary, two members, and two alternatives that serve four-year terms. References to the County Election Board, like State Election Board, can mean either the three-member board or the agency. The county central committees of the two largest political parties submit nominees to the State Election Board for one member and one alternate. The State Board then votes to appoint one member and one alternate from each party.¹⁴

The Secretary of the County Election Board is selected by their State Senator and appointed by the State Election Board. In contrast to the State Election Board, the Secretary of the County Election Board is a voting member of the local County Election Board.¹⁵ The Secretary oversees all day-to-day operations of the County Election Board agency. The County Election Board Secretary is responsible for registering new voters, sending out absentee ballots to voters, and selecting poll workers at precincts to assist with all activities related to voting on election day.

The County Boards’ duties include processing absentee ballots, receiving precinct returns on the election night, canvassing and certifying election results, hearing contests of candidacy involving candidates who filed with the County Election Board secretary, and approving the secretary’s removal of precinct officials.

(Hereafter in this report, LOFT will refer to the State Election Board Agency as the State Election Board unless otherwise noted.)

13. There are 77 County Election Boards in Oklahoma.

14. [26 O.S. § 2-111](#).

15. By tradition, State Senators offer nominations to the State Election Board for the position of Secretary at the county level. The State Election Board then officially appoints the secretary ([26 O.S. § 2-111.1](#)). For counties with multiple State Senators, the Senator who is a part of the party with majority representation in the State Senate and who has the greatest number of voters in their district may nominate the Secretary of the County Election Board. Five counties (Oklahoma, Tulsa, Cleveland, Canadian, & Rogers) with multiple State Senators choose to reach a consensus in order to recommend a Secretary to the State Election Board.

Finding 1: Oklahoma’s Absentee Voting Processes Enable Election Integrity

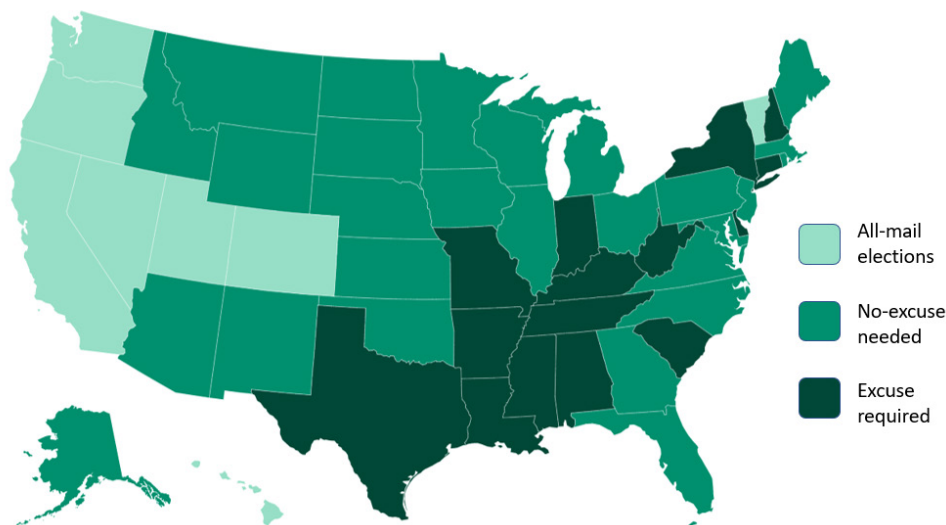
Free, fair, and secure elections are an indispensable part of a free society. No less an authority than the Oklahoma Supreme Court asserts this, stating that, “The Constitution is the outgrowth of a desire of the people for a representative form of government. The foundation of such a system of government is, and always has been... that every elector entitled to cast his ballot stands upon a complete political equality with every other elector, and that the majority or plurality of votes cast for any person or measure must prevail. All free representative governments rest on this, and there is no other way in which a free government may be carried on and maintained.”¹⁶

Oklahoma law emphasizes election security, while providing numerous opportunities for those who cannot get to the polls on election day to cast their vote in other ways. Voters can request in advance to receive a ballot by mail, or they can vote in-person on one of several early voting days, also known as in-person absentee voting. This report focuses primarily on remote voting – whether the completed ballot is delivered by hand, by mail, or by an agent.

Oklahoma Absentee Voting Requirements

To vote absentee in Oklahoma, a voter must complete an application requesting an absentee ballot.

Exhibit 6: Absentee Ballot and Electoral Procedures. (This map shows the absentee ballot procedures by state. Twenty-seven states allow for “no-excuse needed” absentee voting.)



Oklahoma is one of 27 states that does not require an excuse to vote absentee, as shown in Exhibit 6.¹⁷ Oklahoma voters may request a ballot for one election or for all elections that take place that calendar year.¹⁸ Under the standard absentee process, voters must request an absentee ballot a minimum of 15 days before the election.¹⁹ If the voter is eligible to vote and their application is approved, the County Election Board mails a ballot.²⁰

Source: USA Facts 2022; National Conference of State Legislators (NCSL).

16. Thomas v. Reid, 1930 OK 49, ¶ 32.

17. National Conference of State Legislatures, “Voting Outside the Polling Place: Absentee, All-Mail and other Voting at Home Options,” Jul. 12, 2022. Fifteen states require a valid reason under respective laws for requesting a mail in ballot. All registered voters in California, Colorado, Hawaii, Nevada, Oregon, Utah, Vermont, Washington automatically receive their ballots via mail; they may still opt to vote in-person.

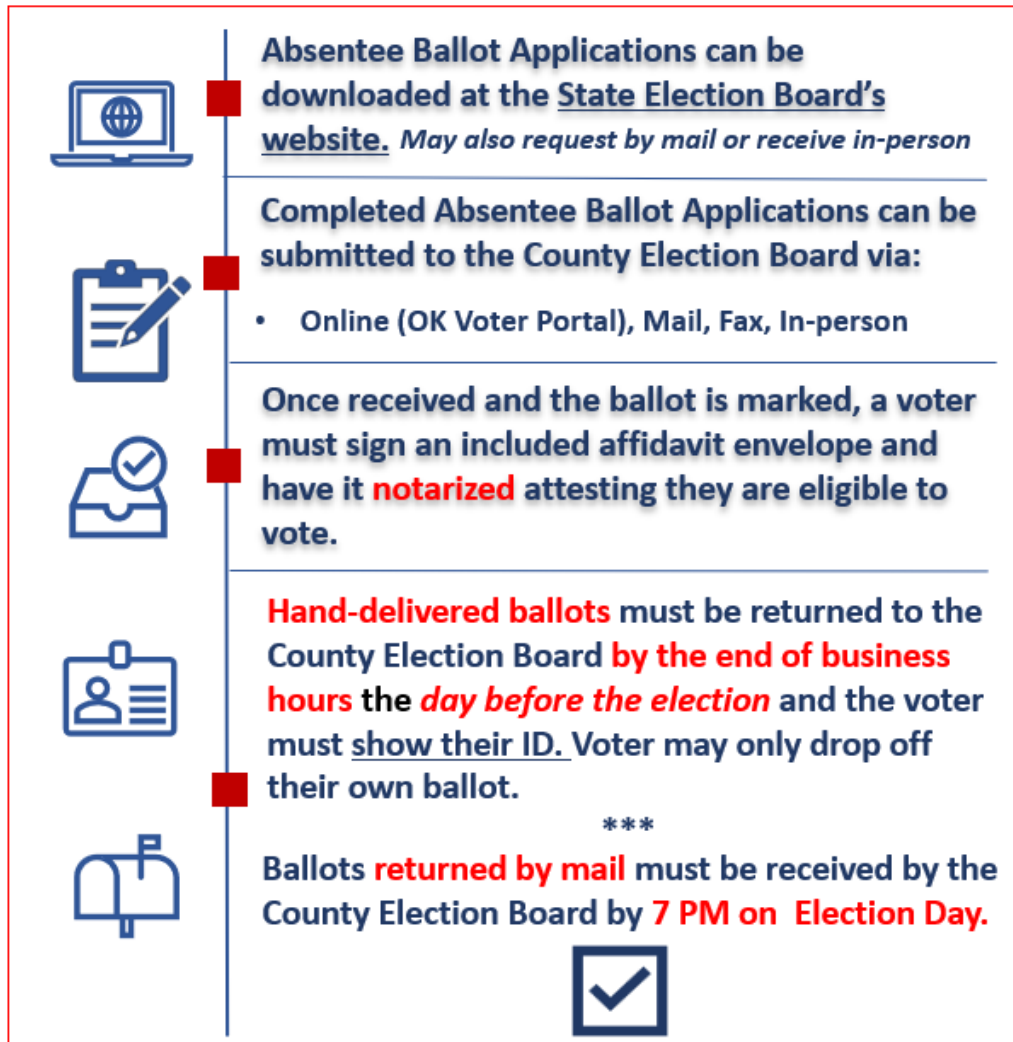
18. [State Election Board](#): Standard Absentee Voting.

19. [26 O.S. § 14-103](#). Application must be received no later than 5 pm.

20. [26 O.S. 14-105](#). Voter must provide their birthdate and include an identification number that was used when they registered to vote. This can be either a voter’s state ID number or the last four digits of their Social Security number.

After the voter receives and then marks their ballot, they must sign an included affidavit attesting they are qualified to vote. The affidavit must be notarized.²¹ Voters then return their ballot to their local election board via mail or hand deliver it.²²

Exhibit 7: Absentee Voting Process. (This infographic shows the requirements Oklahoma voters must follow when voting absentee.)



Types of Absentee Voters

Most voters who choose to vote absentee receive *standard* absentee ballots and they follow the default verification processes, including notarizing their affidavit. Some voters may face extenuating circumstances that hinder their ability to get their affidavit notarized. In these cases, the Legislature has created additional types of absentee voting categories to accommodate those voters.

Exhibit 8 shows all six types of absentee voters and the procedural requirements for each. Individuals who are confined to a nursing home, serving overseas, or become physically incapacitated after the deadline to request an

Source: State Election Board, LOFT statutory review.

absentee ballot, may still vote absentee if they follow the required procedures. Approximately 6 percent (144,809) of total registered Oklahoma voters requested an absentee ballot in 2022.²³ As shown in Exhibit 8, a majority (78.6 percent) of those seeking to vote absentee request a standard absentee ballot.

21. [26 O.S. § 14-108](#).

22. [26 O.S. § 14-104;108](#). Oklahoma does not allow ballot drop boxes. If electing to hand deliver their ballot, voters must show identification to County Election Board officials.

23. Absentee Application Request data provided by State Election Board, Dec. 9, 2022. Data for total registered Oklahoma voters from official State Election Board Voter registration report as of Nov. 1, 2022.

Exhibit 8: Types of Absentee Voters and Amount of Applications. (This table shows the different types of absentee voters, applicable procedural requirements, and the number of total requests of applications for the 2022 Calendar Year.)²⁴

Types of Absentee Voters			2022 Calendar Year	
Absentee Voter Type:	Description:	Procedural Requirements:	Total Absentee Voter Application Requests:	Percent of Total Absentee Application Requests:
Standard Absentee	Any registered voter in Oklahoma may request an absentee ballot.	Ballots and included affidavit envelopes must be signed by the voter, notarized, and returned by mail or hand delivered to the County Election Board.	113,813	78.6
Physically Incapacitated (and Caregivers)	Individuals who attest they are physically incapacitated. Also included are their caregivers.	A qualified agent on the voter's behalf may pick up and hand-deliver the application. The affidavit must be signed by two witnesses instead of a notary. Ballot must be sent to county election board by mail.	25,086	17.3
Nursing Home or Veteran's Center	Voters who are confined to a nursing home or veteran's center.	A bipartisan Absentee Voting Board distributes absentee ballots in person at a home or center. Ballots are put into affidavit envelopes that are signed by the bipartisan Voting Board instead of a notary. The Voting Board collects all ballots and affidavits and secures them at the county election board.	2,960	2.04
Military or Overseas	Voters who are serving in the military, military spouses and dependents, or U.S. citizens living overseas.	Voters may receive their ballot electronically or by mail. If received electronically, it must be printed out. All ballots must be returned with an affidavit signed by the voter. Ballots must be returned through mail or faxed to the County Election Board.	2,979	2.05
Emergency Incapacitated	Voter who suffers an injury or illness and becomes physically incapacitated after the deadline to request a ballot.	A qualified agent on behalf of the voter must deliver a physician's note and a signed request letter from the voter to the County Election Board. The Board will supply the agent with the ballot. The affidavit envelope must be signed by two witnesses instead of a notary. Agent is responsible for returning the ballot to the County Election Board.	50	> 0.1
First Responders and Emergency Workers	Voter who is deployed to assist with a natural disaster relief effort after the deadline to request a ballot.	Voter may request a ballot from the Secretary of the County Election Board and include documentation of deployment. Voter must return their own absentee ballot by mail or in person to county election officials.	2	> 0.1

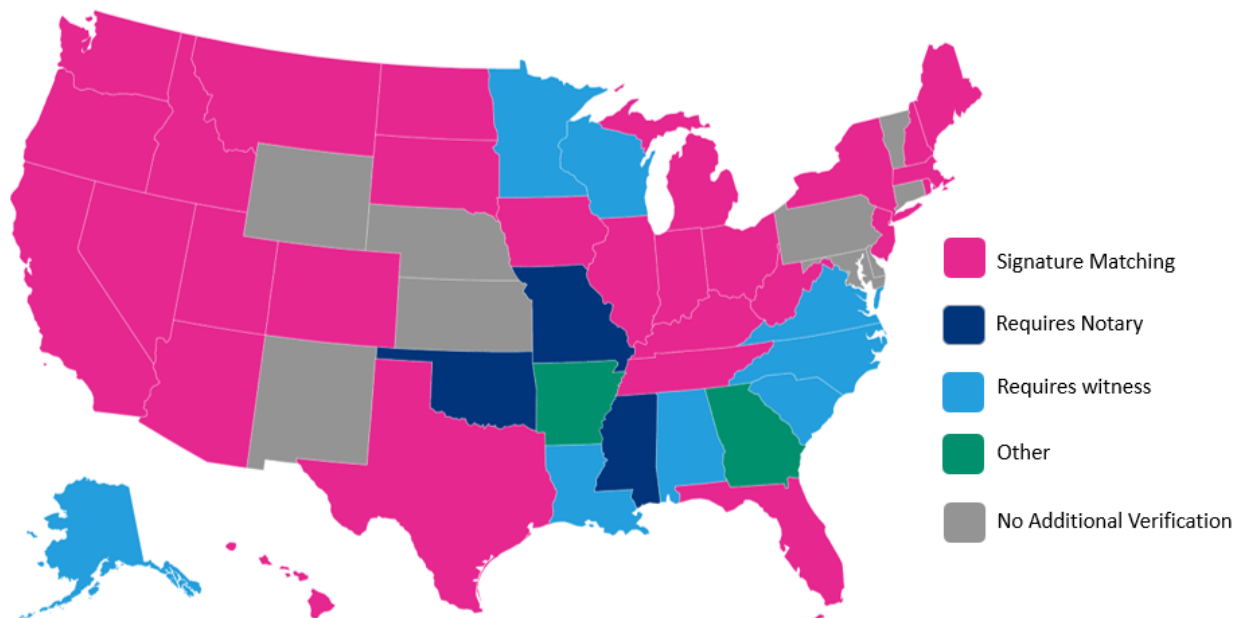
Source: Oklahoma State Election Board.

24. Agents must be at least 16 and not related to a candidate on the ballot. They can only serve as an agent once for one voter per election. Absentee voting boards must witness the voter filling out the ballot but cannot position their self to see the voter's selections.

Voter Verification

Since absentee voting takes place away from the supervision of poll workers, states use other methods to verify the identity of an absentee voter. Oklahoma is one of three states that require the voter to include a notarized affidavit along with the absentee ballot. A majority of states (28) use signature verification to validate absentee ballots, as shown in Exhibit 9.²⁵

Exhibit 9: Absentee Ballot Verification Methods. (This map displays what methods states use to verify absentee votes. Most states rely on some form of signature verification.)



Source: USA Facts 2022.

Standard absentee voters must submit their ballot in a signed, notarized affidavit envelope. Requiring a notary to validate a voter's identity adds an element of security to Oklahoma's verification processes, making it difficult for a single person or group to submit enough fraudulent votes to change the outcome of most races. Stakeholders LOFT engaged with agreed that a notarization requirement adds an additional level of security and confidence to Oklahoma's election system. Oklahoma law prohibits notaries from charging to notarize an absentee ballot affidavit.²⁶ However, some stakeholders expressed concern the notary requirement could potentially be a barrier to some individuals with limited mobility or access to a notary.

The most widely-used alternative to notarization is signature matching verification. Exhibit 10 relays the disadvantages and advantages of both methods. States that use signature matching may utilize signature matching software and/or county election officials to check ballots. These methods require additional costs and training time for county election personnel or volunteers. According to an analysis from the New York Times, among the twenty-eight states that use signature matching methods, six states provide uniform state guidelines or training materials.²⁷ The practice of manual signature verification varies from state to state and often counties have discretion regarding specific training procedures and materials for local election officials.²⁸

25. [USA Facts](#), "How are votes counted," 2022. Rhode Island state law does not require signature matching for verification but election officials do utilize this method by comparing the voter's signature on the absentee ballot application to the ballot affidavit.

26. [26 O.S. § 14-108](#).

27. Larry Buchanan and Alicia Parlapiano, "Two of These Mail Ballot Signatures Are by the Same Person. Which One?," [New York Times](#), Oct. 7, 2020.

28. *Ibid.*

Exhibit 10: Comparison of Absentee Voting Verification Methods. (This table shows the advantages and disadvantages of utilizing notarization and signature matching methods to verify valid votes.)

	Advantages	Disadvantages
Notarization	Onus of verification on notary instead of the county election board. This may lead to faster processing of absentee votes.	May hinder those who do not have readily available transport to a public notary
	Adds a layer of security for voter verification	
Signature Matching	Convenient for the voter	Onus of verification on county election board; additional training is required for local election officials
		May reject valid votes due to human or machine error
		May disenfranchise those whose signatures may deteriorate, such as the elderly or disabled or those whose signatures are still developing, such as teenagers

Source: LOFT's analysis based on stakeholder engagements; *The Atlantic*.

Oklahoma is one of five states that mandates those returning their ballots in person may only hand deliver their own ballot and they must show identification to a county election official.²⁹

Stakeholders engaged by LOFT shared ways in which access to absentee voting could be expanded to those who face difficulties leaving an assisted living center. For example, Oklahoma's statutes provide a narrow definition of nursing homes that prohibit those living in an assisted living center from being able to vote at their facility with the assistance of an absentee voting board, an option currently provided to those in nursing homes. To expand access, lawmakers may consider expanding the use of absentee voting boards to include site visits to those who live in assisted living centers and have limited mobility.

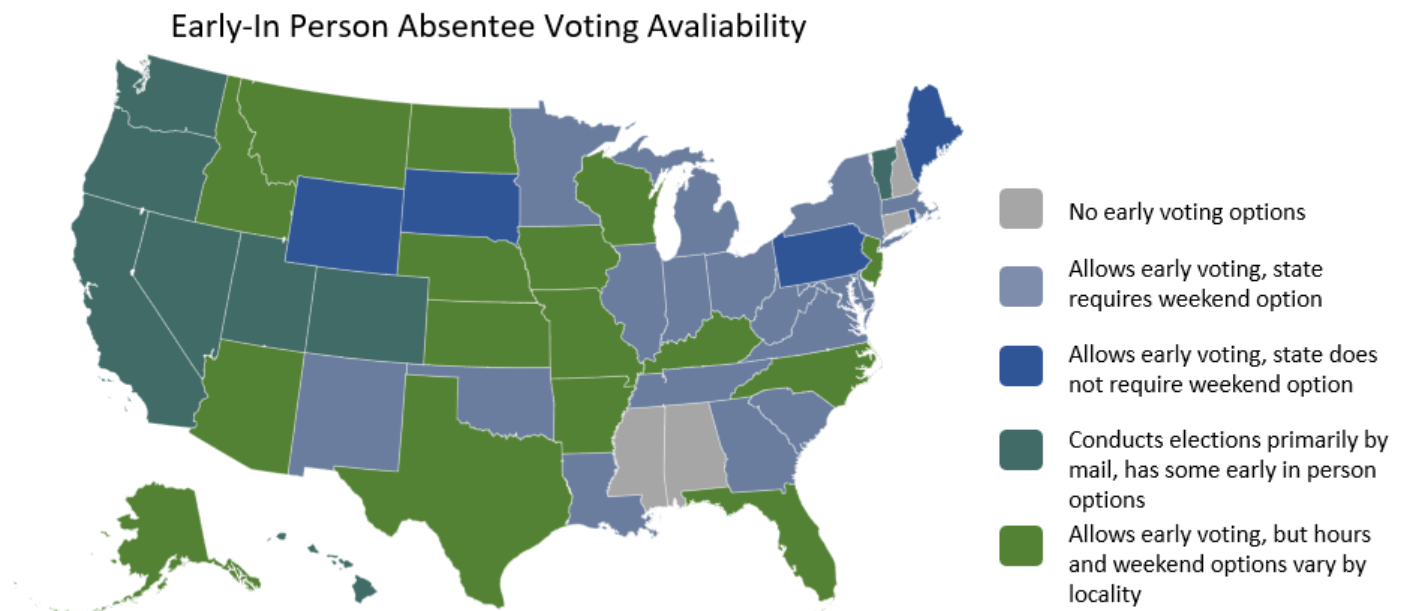
In 2021, the Legislature required counties to hold in-person absentee (or early voting) on the Wednesday preceding a General Election, as well as expanding the hours of Saturday early voting for regular statewide elections.³⁰ Oklahoma is one of 17 states that requires a uniform weekend option for early voting. Exhibit 11, on page 11, shows the differences among states regarding early voting opportunities.³¹

29. Appendix J shows the rules regarding absentee return methods for all states.

30. [HB 2663](#) (2021).

31. [NCSL](#), "Early In-Person Voting;" Note: Texas weekend hours requirements vary dependent on the county size. Pennsylvania does not offer traditional early voting options, but counties may make absentee and mail-in ballot applications available to voters in person up to 50 days before Election Day.

Exhibit 11: Early Voting Options. (This map shows the national comparison of opportunities to vote early in the United States.)



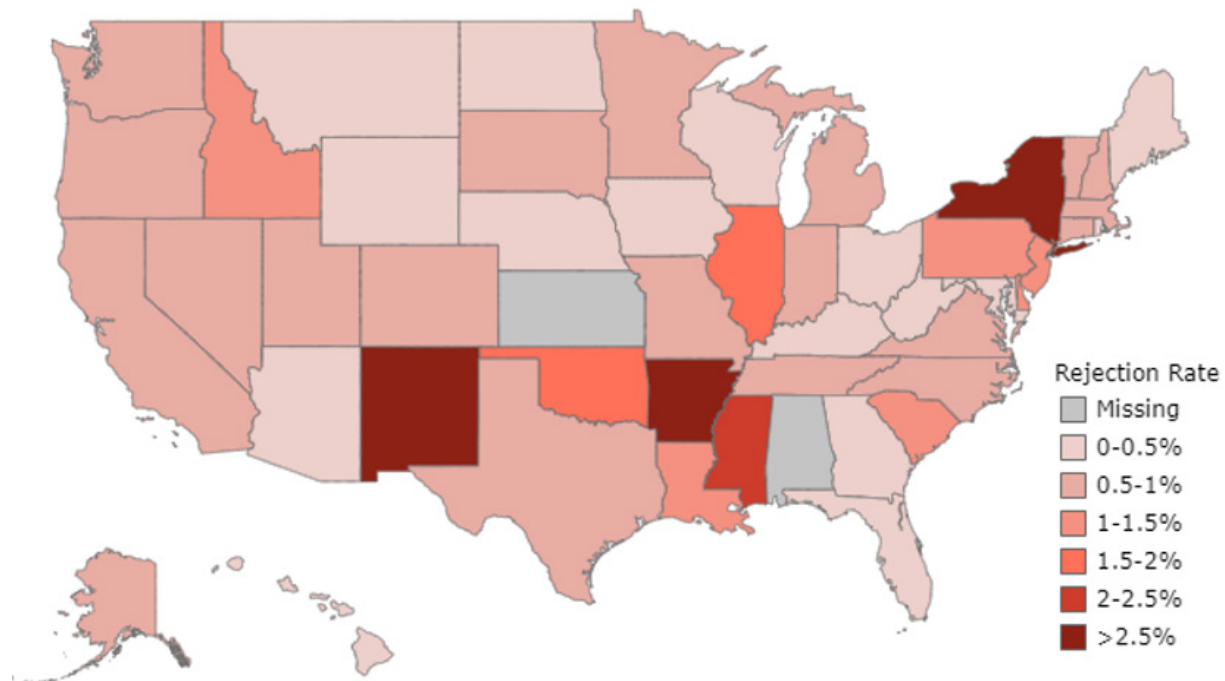
Source: NCSL, LOFT statutory review.

Rejection of Absentee Ballots

According to the 2020 Federal Election Administration Survey, Oklahoma had a 1.8 percent rejection rate for absentee ballots in the 2020 General Election. New York, New Mexico, and Arkansas had the highest rejection rates of 3.6, 5.0, and 6.4 percent respectively (See Exhibit on the following page). States reported either a non-matching signature or missing signature as the most common reason for rejecting an absentee ballot; 32.8 percent of rejected ballots were rejected based on signature issues.³²

32. [U.S. Election Assistance Commission](#), "The Election Administration and Voting Survey 2020 Comprehensive Report to the 115th Congress," 2016, pg. 14. See Appendix P for 2022 absentee rejection reasons for Oklahoma absentee ballots.

Exhibit 12: Absentee Ballot Rejection Rate by State (2020). (This map shows which states had the highest and lowest rejection rates of absentee ballots for the 2020 General Election.)

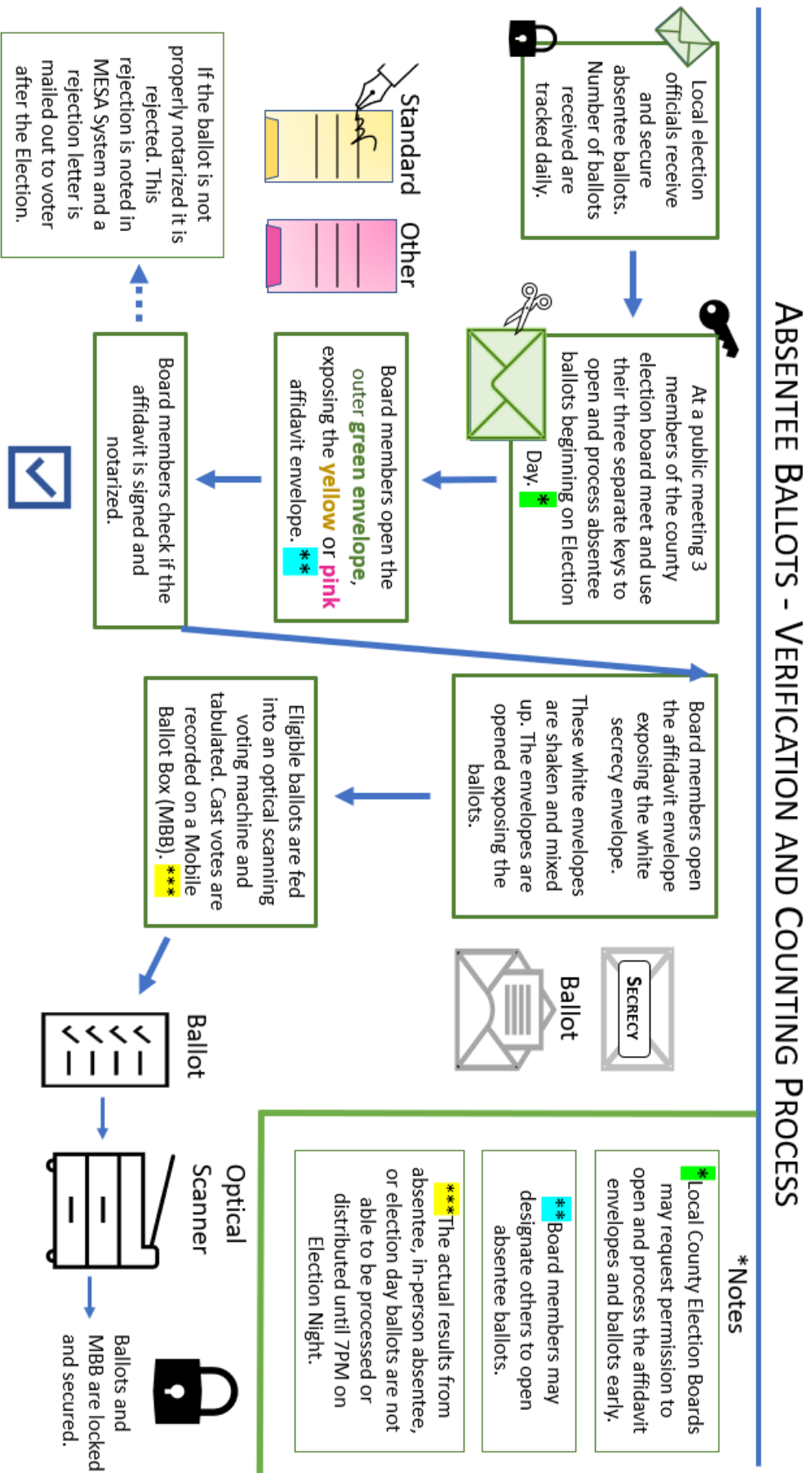


Source: Election Administration and Voting Survey (EAVS); MIT Election Data and Science Lab.
 Note: Statistics calculated only for states that have data for >85% of registered voters.

Absentee Voting Processing

In addition to verifying who is eligible to vote absentee, County Election Boards in Oklahoma are responsible for properly processing and tabulating all valid absentee votes as well as ensuring the security and accuracy of all voting machines. Exhibit 13 (next page) displays the procedures County Election Boards must follow in Oklahoma to process absentee ballots.

Exhibit 13: Absentee Ballot Verification and Counting Process. (This process chart shows the steps of how County Election Boards collect, verify, and tabulate absentee ballots.)



Source: LOFT statutory review, administrative review, and fieldwork observations.

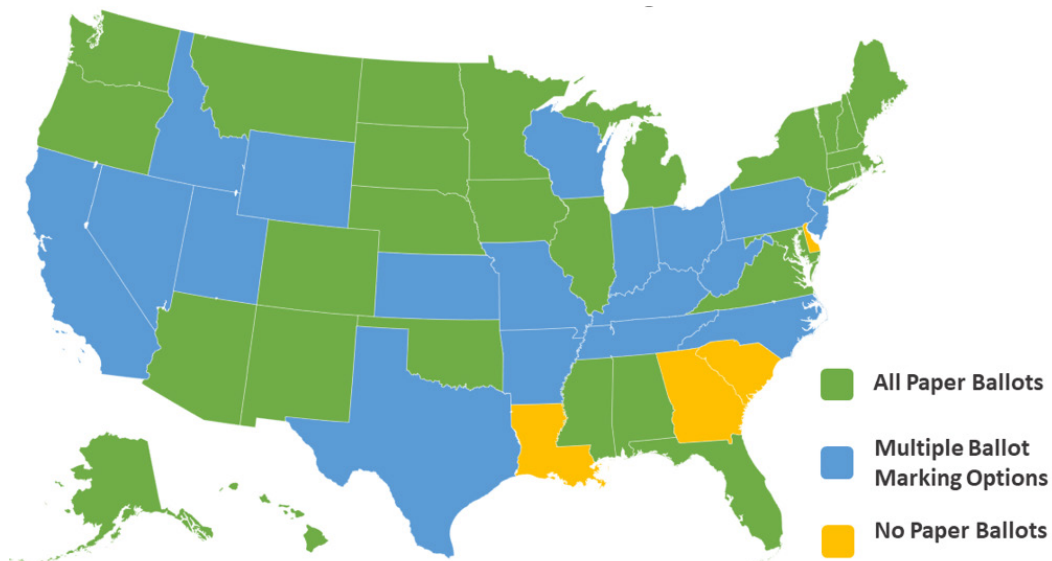
On election night, all election voting equipment, including the optical scanners and a specialized USB drive called the Mobile Ballot Box (MBB), are transported to the County Election Board. Beginning no earlier than 7 PM on election night, all MBBs are uploaded from a secure computer at the County Election Board to the State Election Board, including MBBs that have absentee ballot tabulations. Because absentee ballots must be received by election day and the State Election Board permits counties to count ballots before Election Day (with permission), the State is able to quickly process and typically share elections results by the end of the evening on election night.³³ Stakeholders noted to LOFT this ability to quickly share election results helps instill confidence in the accuracy and security of Oklahoma’s election system.³⁴

Voting Machine Security

Research institutions such as the Brennan Center, the Brookings Institution, and the National Election Defense Coalition consider the use of paper ballots as a national best practice in regard to election security.³⁵ In cases of recounts, the presence of duplicative paper ballots can ensure accuracy if there were problems with the electronic vote counting system. **To add further security, Oklahoma’s voting devices are not connected to the internet, limiting the ability to compromise the voting machines via cyber-hacking.** In some cases, states have moved away from electronic voting machines and back to traditional paper ballots and electronic scanners due to machine malfunctions and cyber-hacking concerns.³⁶ For instance, due to issues Virginia encountered with its electronic voting machines, the state switched back to a statewide paper ballot and optical scanner system in 2017.³⁷

Oklahoma is one of 28 states where every county offers hand marked paper ballots as the sole option. Some of these 28 states, such as Oregon and Hawaii, are mail voting states where all registered voters receive a ballot in the mail and vote in that manner. Other states use other ballot marking devices or a direct recording electronic system. (Voting technology and machines are discussed in detail in Finding 3.)

Exhibit 14: Ballot Marking Methods. (Oklahoma is one of 28 states where every county utilizes hand marked paper ballots as the sole option).



Source: Verified Voting.

33. If hand delivering their ballot, the voter must return their ballot the day before the election. Ballots returned via mail must be received by election day.

34. Twenty-six states permit the scanning of ballots into tabulators before Election Day ([Bipartisan Policy Organization](#)).

35. Derek Tisler and Turquoise Baker, "Paper Ballots Helped Secure the 2020 Election – What Will 2022 Look Like?" [Brennan Center](#), May 10, 2022; Karan Gambhir and Jack Karsten, "Why paper is considered state-of-the-art voting technology," [Brookings Institution](#), Aug. 14, 2019; [National Election Defense Coalition](#): Election Technology – Paper Ballots.

36. [U.S. Congressional Committee on House Administration](#): Election Security Update – Top 18 Most Vulnerable States," July 2018, pg. 2; Pamela Smith et. al, "Counting Votes 2012: A State by State look at Voting Technology Preparedness," [Verified Voting Foundation](#), Rutgers School of Law – Newark Constitutional Litigation Clinic, Common Cause Education Fund, Aug, 2012, pg. 2.

37. Patricia Sullivan, "Paper ballots make a comeback in Virginia this fall," [The Washington Post](#), Oct. 7, 2017.

Secure Results

Many states authorize post-election audits to check compliance from localities and ensure the accuracy of vote results. In 2019, legislation was enacted to allow post-election audits for Oklahoma's elections.³⁸ The Secretary of the State Election Board has the authority and discretion to conduct post-election audits of election results to ensure that the voting devices and software used in the election tabulated votes correctly. By law, the results from the post-election audit cannot change certified election results. The sample size of votes and which counties are reviewed is left up to the discretion of the Secretary of the State Election Board. Audits are conducted by the County Election Board, excluding the secretary, and may include office staff or audit officials, at least two of whom must represent opposite political parties.³⁹ Due to delays related to Covid-19, the first post-election audit was released in August 2022 for the June 28, 2022 Primary Election.⁴⁰ Thirty-three counties were audited for a variety of local and state races. The audit included mail absentee and in-person absentee voting. The audits compared the official certified results to a hand tally of the physical paper ballots. The audit "identified zero differences compared to the certified election results."⁴¹

In another audit, the State Election Board audited a portion of the results of the November 8, 2022 General Election and examined 20 races across 108 counties.⁴² Overall, the audit concluded, "The post-election audits of the 2022 General Election confirmed the outcomes of the races that were audited."⁴³ Out of the 20 races audited, nine races focused only on absentee ballots. Among those nine races, two found the certified results did not match the audit results. Two races were off by one vote due to a missing ballot and a jam in the machine resulting in an incorrect marking on one ballot. **The report notes none of these results would have changed the outcome of any electoral races.**

In addition to formal state audits, the League of Women Voters of Oklahoma conducted a review of 2020 election results to identify any voter irregularities among the 1.5 million votes cast in the State. They found that among the 275,000 mail-in absentee votes, 59 potential cases of identified voter irregularities were reported to the district attorney for that county. One case was pursued by the district attorney, resulting in criminal charges of voter fraud.⁴⁴ County Election Board officials told LOFT potential voter fraud from voting twice is flagged and always discoverable because "voter history credit is manually entered for each voter following an election and any person that is identified as having voted on election day and by absentee is reported to the District Attorney as required by 26 O.S. § 16-123."⁴⁵

As is the practice in most states, Oklahoma uses a traditional fixed percentage audit where all ballots from certain counties or races are re-examined for accuracy. However, some states are enhancing their post-audit reviews by utilizing a type of focused audit known as a risk-limiting audit. These audits use statistically significant sample sizes to concentrate more resources on closer elections. According to the Center for American Progress, "Risk-limiting audits—considered the 'gold standard' of post-election audits—increase the efficiency of the auditing process by testing only the number of ballots needed to determine the accuracy of election outcomes."⁴⁶ According to the Verified Voting Foundation, "Risk limiting audits gives statistical evidence that the machine-tabulated results are consistent with what a full hand count of ballots would reveal. They also allow jurisdictions to strategically allocate resources to check more ballots when needed in close contests, and fewer ballots in contests with wider margins."⁴⁷ The Center for American Progress notes Oklahoma could require risk-limiting audits to strengthen its election processes.⁴⁸

38. [SB 261](#) (2019).

39. Correspondence with State Election Board, Feb. 3, 2023.

40. [Oklahoma State Election Board](#), "Official Post-Election Audit Report for the Primary Election Held on June 28, 2022," Aug. 1, 2022.

41. *Ibid*, pg. 4.

42. [Oklahoma State Election Board](#), "Official Post-Election Audit Report for the General Election Held on November 8, 2022," Dec. 12, 2022, pg. 4. The total includes counts 31 counties twice since those counties conducted audits of two races. 46 counties conducted an audit of one race.

43. *Ibid*, pg. 4.

44. Lynn Staggs and Mary Jane Lindaman, "Column: New Oklahoma analysis shows election system not broken," [Tulsa World](#), Apr. 5, 2022.

45. By law, voters who received an absentee ballot but choose to vote in person must sign an affidavit attesting they did not submit their absentee ballot (26 O.S. § 7-115); LOFT correspondence with County Election Board official, Nov. 28, 2022.

46. [Center for American Progress](#), "Election Security in All 50 States," Feb. 12, 2018.

47. [Verified Voting Foundation](#), "What is a Risk-Limiting Audit."

48. [Center for American Progress](#), "Election Security in All 50 States," Feb. 12, 2018.

Finding 2: Local Level Compliance with Effective Processes Yield a Secure and Accurate Vote Count

A state's voting laws are only effective if frontline workers stay within their limits; the best election process in the world would not ensure fair results if county and precinct officials did not take seriously their duty to enforce the law. To evaluate local compliance with state law regarding absentee voting procedures, LOFT selected eight County Election Boards to visit and conduct fieldwork. LOFT chose eight counties that ranged from approximately 5,300 to 447,000 registered voters.⁴⁹

By law, local County Election Boards may open the outer envelope and process affidavit envelopes at 10 a.m. on the Thursday preceding the election day.⁵⁰ Ordinarily, absentee ballots may be opened, processed, and fed into the optical scanning voting machine no earlier than Election Day.⁵¹ However, counties may make a request of the Secretary of the State Election Board to process the affidavit envelope and/or the absentee ballots earlier than the designated time as statute dictates. Five of the counties LOFT observed received permission from the Secretary of the State Election Board to open and process the affidavit and/or absentee ballots before Election Day.⁵²

During fieldwork LOFT observed compliance with most procedural controls regarding the chain of custody of ballots and how ballots are processed, resulting in accurate vote counts. LOFT observed smaller County Election Boards generally had the strongest procedural controls when processing ballots. LOFT identified minor opportunities to clarify directives and strengthen compliance and security measures for local county election boards.

Chain of Custody for Ballots and Voting Machines

As detailed in Finding 1, County Election Board staff collects absentee ballots via mail or hand delivery (voter must show identification). The outer envelope containing the affidavit and ballot is received and electronically recorded into the statewide voter system database, Modern Election Support Application (MESA), and then collected in a box secured by three locks (with each board member holding the key to one of the locks). At a public meeting of the County Election Board, statute dictates board members use their separate keys to unlock the box holding absentee ballots.⁵³ Processing (removal of the outer envelope, verifying signature and notarization, and removal of the notarization envelope) are done during an open meeting, in full view of the public.

49. Blaine, Caddo, Cleveland, Lincoln, Okfuskee, Okmulgee, Oklahoma, and Pottawatomie. Counties LOFT observed represent approximately 32 percent of registered voters in Oklahoma. Full fieldwork methodology can be found in Appendix A.

50. [26 O.S. § 14-123.](#)

51. [26 O.S. § 14-125.](#)

52. According to correspondence with State Election Board, the exact number is not tracked, but many counties do request this permission for statewide elections in order to stay on top of processing workload come Election Day.

53. Depending on the amount of ballots, sometimes multiple boxes were utilized. LOFT observed counties utilized a separate locked box to collect absentee ballots from nursing homes.

After feeding the ballots into the optical scanning machine, the ballot box attached to the scanner is unlocked, and ballots are poured into a transfer case, often a box. The Secretary seals the box closed and has each board member sign a sticker, which is placed on the box. The Mobile Ballot Box (MBB) – a flash drive that holds the voting results – is placed in an envelope that all board members sign. Finally, if the ballots were processed prior to election day, the county sheriff takes custody of the MBB and the sealed ballot box until election night. All voting machines used to process absentee ballots and extra absentee ballots are locked in local election board offices before and after use.

LOFT found these chain of custody processes align with the U.S. Election Assistance Commission’s (EAC) best practices for chain of custody for paper ballots. According to the EAC, it is paramount to secure ballots and sign, label, and seal ballot boxes and items used to hold data regarding election results, such as an MBB. The EAC also states preferably at least two people (bipartisan or nonpartisan) should be present when handling or moving ballots.⁵⁴

Fieldwork Observations

While LOFT was unable to undertake a comprehensive review of County Election Board processes surrounding absentee voting, observation at a statistically significant sample of County Election Boards did not reveal substantial noncompliance with applicable statutes or administrative rules as laid out in Finding 1 (pg.13).

LOFT observed the following controls:

- Absentee ballots were secured in a locked box.
- Two board members (from opposing parties) plus the board secretary on site any time ballots were handled.
- Room for public observation of absentee ballot processing at all sites.
- Board meetings were open and accessible to the public.

The only exception LOFT observed was that one larger county had multiple rooms to house volunteers. County board members were primarily in the room accessible to the public. Volunteers were inside rooms with closed circuit cameras in each room. There were times when staff members moved ballots from counting rooms to the board room, and at that time the ballots were out of sight of the public – both from the observation room and the view of the cameras. These periods were brief, and if there were any substitution of ballots, it would have to be extraordinarily well-coordinated. To mitigate this risk, LOFT recommends that ballots be required to remain within view of the camera at all times, or that at least two staff members be required to be present if moving ballots outside the view of the public or cameras. LOFT also observed one county’s lock box did not contain three separate locks, as one key was used to unlock two locks. In all other counties, LOFT observed each box required all three keys to unlock the absentee ballot box.

Exhibit 15: Ballot Vault. (This picture shows a locked room where absentee ballots are stored. In this case, the Secretary of the County Election Board and the sheriff have separate keys and locks to the room.)



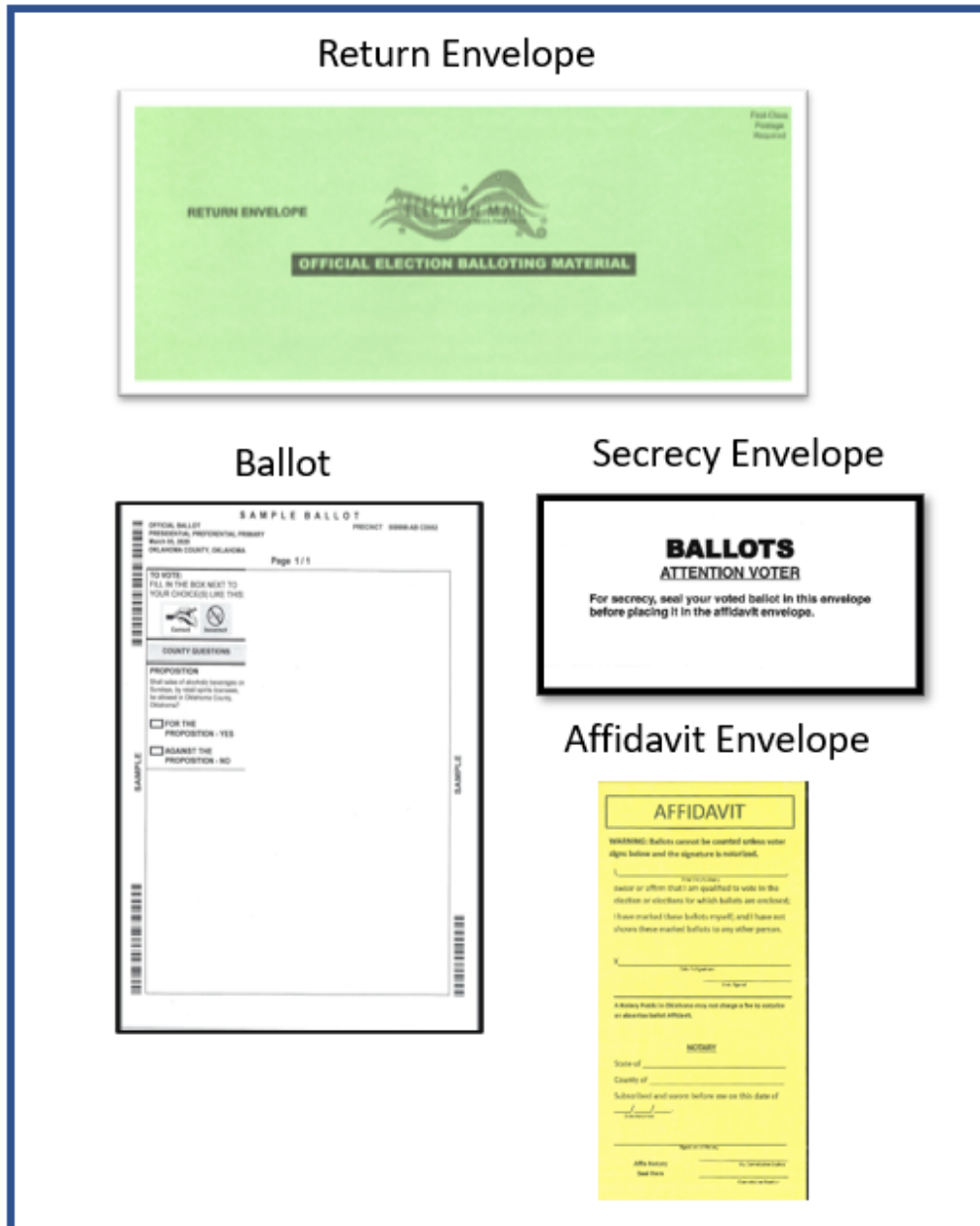
Source: LOFT fieldwork.

54. [U.S. Election Assistance Commission](#): Best Practices – Chain of Custody, Jul. 13, 2021, pg. 26.

Processing Ballots

During the public meeting to count absentee ballots, County Election Boards process multiple items from each voter: a ballot, a white secrecy envelope, a pink or yellow affidavit envelope, and the large green return envelope. County Election Boards are directed to follow detailed procedures to process all these materials to ensure the integrity of the election and anonymity of the voter's selections.

Exhibit 16: Absentee Voting Materials. (This picture shows the materials that are provided to voters in order to vote absentee.)



Source: State Election Board Website.

During LOFT's site visits, the counting process was easily observable as it took place in one room for seven out of the eight counties LOFT observed. Containing all activity to one room was possible for seven counties because only the three members of the Board and sometimes a few other staff members were engaged in the process. Only in one larger county, LOFT was separated from viewing in person and watched the process on a closed circuit monitor.

All counties followed the procedure of opening the return envelope first, then verifying notarization on the affidavit envelope. In the smaller counties, board members exchanged stacks of affidavit envelopes to double check each other's verification. All counties laid aside "questionable" ballots that required closer scrutiny from the Board. If a procedural question arose, LOFT observed Board Members consult the Secretary's Digest, a comprehensive guide of statutory and administrative rules for County Secretaries

regarding election procedures. Other times, County Secretaries would contact the State Election Board directly by phone for guidance. After opening the return and affidavit envelopes, the county board members would put the secrecy envelopes back into the lockbox, physically shake the contents, and pour the secrecy envelopes back onto the table for opening and scanning ballots to ensure that names from outer envelopes were not matched to actual votes.

Opportunities for Clarification

While County Election Boards were overwhelmingly compliant with clear requirements of State law and administrative code, there are some instances where more clarity is called for. These issues fell into two categories: ambiguity in the law, or lack of clear direction to the voters. One inconsistency LOFT observed was in the handling of two otherwise valid ballots (enclosed in the proper affidavit envelopes) that had been mailed in the same outer envelope. In one county, the election board unanimously voted to separate and count both ballots, since each ballot was accompanied by properly notarized affidavit. The ballots appeared to be from two members of the same household. Unofficial speculation was that the voters were trying to save postage by mailing both ballots in one envelope. In another county, in an identical circumstance, the county Secretary informed the county board that, in accordance with prior direction from the State Election Board, the notary envelope that did not match the outer envelope would have to be rejected and recorded in the State's election database. LOFT was unable to find a clear statute or rule to guide the counties, and so was unable to determine which county was correct.

LOFT also observed a lack of clear protocol for counting a ballot that was accompanied by a signed and notarized affidavit, but which was not dated. County Election Boards also exhibited confusion as to whether a notary could be valid without either the seal or the number legible on the affidavit. However, this last concern is clearly addressed in rules from State Election Board.⁵⁵

On the voter clarity front, it was not always clear to voters whether their ballot needed two stamps or whether just one would be sufficient for the United States Postal Service to deliver it safely to the County Election Board. Some voters may have believed that one stamp was sufficient but were not confident enough to risk their ballot being returned for insufficient postage. Additionally, some voters mixed up the order of the envelopes, though clear instruction is provided.

Training

Per statute, the Secretary of the State Election Board must facilitate a training program for county board members and employees.⁵⁶ The State Election Board provides to counties several training materials, reference documents, and checklist sheets:

- Secretary's Digest
- Uniform Election Reference
- Handbook for County Chair and Vice Chair
- MESA Guide to Absentee Processing
- Election Day Reference and Problem Solver
- Absentee Voting Board Procedures for Nursing Home Absentee Voting Boards
- Absentee Voting Board Procedures for In-Person Absentee Voting Boards
- Blueprint for Independent Training

The law also mandates that the State Election Board Secretary initiate regular inspections of each county election board to ensure administrative uniformity and adherence to election laws.⁵⁷ Regional Coordinators review the county election board's Special Depository and Budget Accounts at these regular inspections.⁵⁸ In addition to enforcement, Regional Coordinators also provide support and guidance to County Election Boards by updating officials on relevant new or pending legislation, website assistance, election setup materials, a breakdown of candidate filing deadlines, Mobile Ballot Box (MBB) worksheets, and other best practices.⁵⁹

55. The Notary must sign and impress or stamp the notarial seal on the affidavit for it to be valid. The notary's number and expiration date should be listed but an affidavit can be valid without them. State Election Board Secretary's Digest, Section 11-26.

56. [26 O.S. § 3-109](#).

57. Ibid.

58. County data request fulfillments to LOFT, 2022.

59. Ibid.

The eight counties LOFT conducted fieldwork with stated that a Regional Coordinator made at least three annual visits to the counties, while some shared their Regional Coordinator visited more than three times annually.⁶⁰ When watching County Election Boards open absentee ballots, LOFT observed county board members call the State Election Board seeking procedural guidance on questions such as ballot validity. LOFT noted that the State Election Board was responsive and able to resolve the county's questions.

As previously noted, post-election audits performed at the direction of the State Election Board give Oklahoma voters good reason to feel confident in the State's electoral results, especially with respect to the absentee process. Substantial compliance with well-designed election laws and administration is the key driver of these outcomes. Finding 3 discusses how the statewide promulgation of these policies furthers the end of efficient and honest elections.

60. County data request fulfillments to LOFT, 2022. Regional coordinators are contracted by the State Election Board. Each is a County Election Board secretary.

Finding 3: Oklahoma’s Uniform Election System Supports Election Security and Efficiency

Oklahoma applies the same laws, rules, and processes to every voter in the state. While voters casting a ballot in a manner other than in-person have a different process, every person using an alternate form of voting will have a similar voting experience as any other voter using the same method of voting. That is, an absentee voter in Tulsa will have the same experience as an absentee voter in Ada, and an in-person voter in Norman will have the same experience as an in-person voter in Stillwater. Additionally, once an absentee ballot has been processed it will be counted just like an in-person vote. This is not the norm nationwide.

Rules for absentee voters and the vote-capturing process vary greatly from state to state and even among counties within the same state. While some states are now moving toward a centralized model of election administration, Oklahoma has had a uniform system in place for nearly fifty years.⁶¹ **Oklahoma was the first state to implement an election system that was truly uniform in its administration, oversight, and technology across all jurisdictions.** Every voter in the state is treated the same and experiences elections the same due to the State’s unified election system.

Benefits of Uniform Elections

LOFT identified numerous benefits from Oklahoma’s uniform system. First, as noted in Finding 1, Oklahoma’s laws are well-designed to enable secure elections, so requiring every county to follow these well-designed laws perpetuates a strong electoral system. Second, a uniform system is easier for state and county officials to administer. The Agency does not have to understand several different systems and identify which to apply based on zip code or county population; instead, it can develop expertise of a single system. County officials can receive expert training and can confidently request clarification from state officials when necessary. Finally, public confidence is better served by a uniform system. A voter comparing their experience with that of an acquaintance from the next county, or across the state, will note that they had similar experiences. Information relevant to one location will not become misinformation when crossing precinct lines.

Although centralized election administration systems offer many benefits, there are some potential risks. For instance, if there was a breach in proper security controls regarding voter equipment all jurisdictions may be affected and share vulnerability. Additionally, a top-down approach with poor processes and training may result in compromised elections in all counties.⁶² To ensure election integrity, a uniform approach must have vetted controls and processes in place, as Oklahoma does.

All voters are treated the same—from the smallest precinct in the smallest county to the largest precinct in the largest county.

-- Oklahoma State Election Board Secretary Paul Ziriaux

61. NCSL, “The Canvass States and Election Reform,” Jun. 2016.

62. Ibid.

State Support to Counties

Oklahoma’s unified voting processes are made possible by the State Election Board’s support and proper oversight. The State Election Board provides election supplies to counties including, but not limited to envelopes, pens, paper clips, signs and posters, rubber bands, tape, and the ubiquitous “I Voted” stickers (see Appendix O for a full list). The State Election Board reimburses nearly all of precinct officials’ pay, mileage, and training for statewide and federal elections. The State Election Board reimburses County Election Board Secretary salaries.⁶³ The Agency allocated approximately \$3.57 million for these costs in FY23. Other states bear only partial costs for elections in regard to personnel and voting equipment. For example, in Maryland the state splits 50 percent of the cost of the voting machines with the county. Some states, such as Nebraska, allow counties to choose different types of voting equipment as long as it is from the state selected vendor.⁶⁴

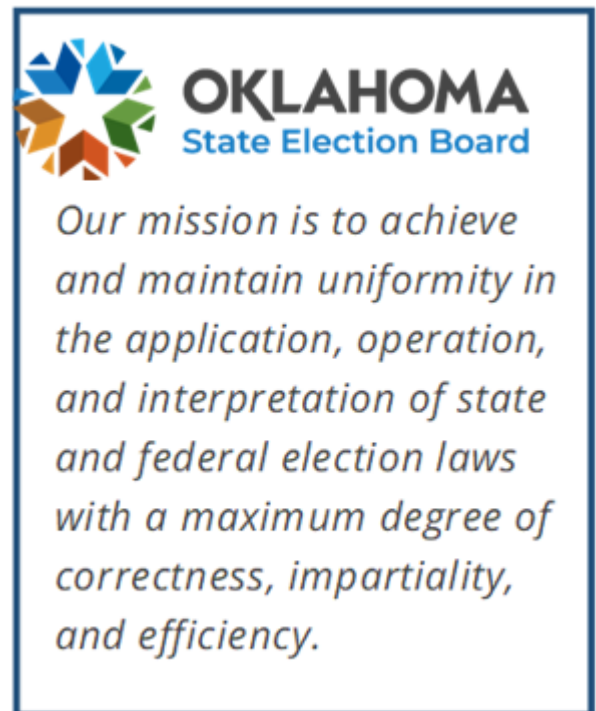
According to the National Conference of State Legislatures (NCSL), Oklahoma is one of three states in the country that stand out as a “truly uniform system,” and Oklahoma was the first of the three to attain that status.⁶⁵ Although 18 states have implemented identical election equipment in all jurisdictions, Oklahoma distinguishes itself from the other 15 states by establishing uniform standards for the purchase, maintenance, and usage of election equipment and technology, creating a system in which all jurisdictions use the same election equipment in the same way.

Every jurisdiction in Oklahoma uses election technology from the same vendor, purchased with funds allocated by the State Election Board, and utilized by county election officials given identical training. States like Washington, Wisconsin, Kansas, and Illinois place different counties – sometimes based on population size – under the jurisdiction of different election officials, resulting in potentially varying voting processes.

Oklahoma’s Centralized Voting System

In 1974, the Oklahoma Legislature unanimously adopted uniform election laws for all 77 counties; an action that was revolutionary at the time.⁶⁶ Until 1974, Oklahoma jurisdictions were not all governed by the same election statutes. Oklahoma County, Tulsa County, and Muskogee County each operated under their own election laws. All other counties were governed by a fourth set of statutes. This disparate governance was a result of the Election Code being written at the time of Statehood and then amended on an *ad hoc* basis afterwards.⁶⁷

Following the “hanging chad” controversy of the 2000 Presidential Election, the federal Help America Vote Act (HAVA) of 2002 required states to phase out the use of mechanical lever and punch card voting



63. Current base salaries for County Election Board secretaries range from \$26,295 to \$68,260 depending on the number of registered voters in the county ([26 O.S. § 2-118](#)).

64. [R.R.S. Neb. § 32-216](#).

65. [NCSL](#): The Canvass States and Election Reform, Jun. 2016. Alaska and Delaware are the other two “truly uniform” states.

66. During the 1974 Legislative Session, four measures were unanimously adopted to rewrite the election laws as recommended by the State Election Board Secretary and Assistant Secretary.

67. *The History of the Oklahoma State Election Board* by Rusty Clark, 2017.

machines and provided over \$3.1 billion in funds to states to do so.⁶⁸ Since Oklahoma had already installed new voting equipment a decade before the HAVA law of 2002, the State Election Board used these funds to implement a statewide voter registration database called the Modern Election Support Application (MESA), which is still utilized today.⁶⁹ The State Election Board allocated \$850,000 of HAVA funds to reimburse County Election Boards for the necessary computer hardware and software, internet service, and installation and maintenance to access the system.⁷⁰

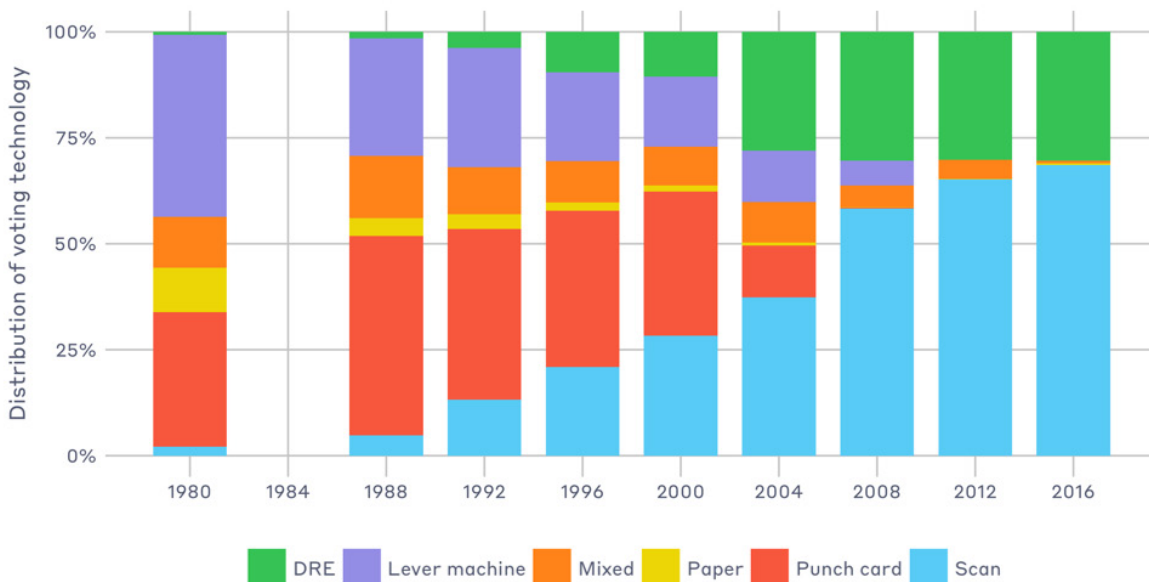
Overview of Voting Technology

There are three types of voting technology used across the country: Ballot Marking Device (BMD), Direct Recording Electronic (DRE) System, and optical scanners. A Ballot Marking Device (BMD) is an electronic representation of a ballot that allows voters to electronically make selections. The BMD then prints out a summary of the marked ballot that the voter electronically completed. Notably, a BMD does not produce a lasting record of a voter's selections. A Direct Recording Electronic (DRE) voting system uses either a touchscreen, pushbutton, or dial which voters manually toggle to cast their vote. A DRE can be equipped with a Voter Verified Paper Audit Trail (VVPAT) printer that prints a copy of the voter's choices and allows voter confirmation before the DRE records the votes into the computer memory.⁷¹

Finally, optical scanners are machines that intake the voter's hand-marked ballot and read the darkened oval or box to record the voter's selection. Optical scanners are widely considered the most secure, as they are the only method which retains the voter's actual written record, which can be used to verify the electronic count in the case of a recount or post-election audit.

Exhibit 17: Usage of Voting Technology. (The chart below shows the change in usage of voting technology since 1980. Oklahoma is categorized as using "scan" technology here.)

Figure 2: Voting technology usage over time in the U.S.



Source: MIT Election Data + Science Lab; Election Data Services.

Note: Data are not available for 1984. See Appendix Q for additional historical data regarding voting technology.

68. [U.S. Election Assistance Commission](#), "The Election Administration and Voting Survey 2020 Comprehensive Report to the 115th Congress," 2016, pg. 20.

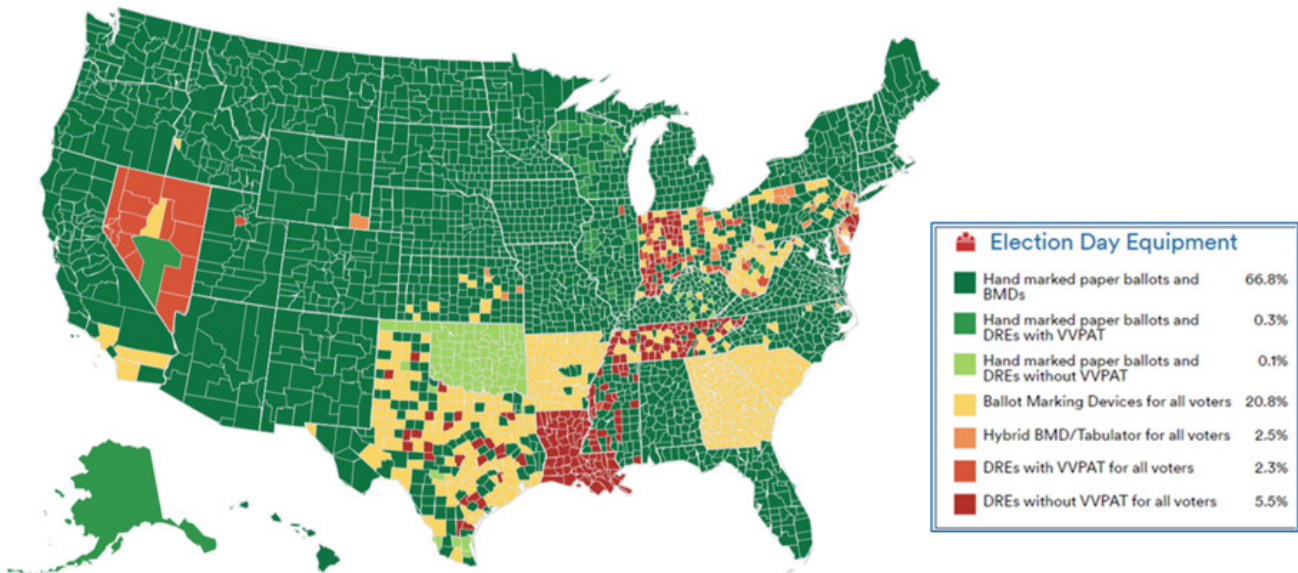
69. Ibid.

70. Ibid.

71. All counties in Louisiana use DRE systems without VVPAT. Nevada has a variety of ballot marking methods, but almost all counties use DRE systems with VVPAT.

By 2010, no jurisdiction in the United States employed a mechanical lever machine in a federal election, and by 2014, no jurisdiction in the United States used a punch card machine in a federal election.⁷² Many states used the HAVA funds to purchase new voting equipment for all jurisdictions. Today, a majority of states utilize a single voting technology throughout the state.

Exhibit 18: Election Day Equipment, November 2022. (This map shows what voting equipment is used across the U.S., county by county, as of November 2022. The legend shows percentages of voters who live in a district with specified voting equipment.)



Source: Verified Voting Foundation.

Note: Verified Voting Foundation categorizes Oklahoma as using Direct Recording Electronic System (DRE) without Voter Verified Paper Audit Trail (VVPAT). Oklahoma offers an Audio Tactile Interface (ATI) to voters with disabilities to privately cast their ballots at their precinct. This is what Verified Voting describes as “DREs without VVPAT” in the chart legend.

In 1989 the Oklahoma State Election Board was granted the authority to purchase equipment for an integrated election system. This change was meant to address the variance in election administration technology across the counties that existed at the time: 74 counties used paper voter registration records; three counties computerized their voter registration records; and the remaining four each used different types of devices.⁷³ Those with computerized processes could not communicate with other counties that had different computer systems. With new authority and new funding, the State Election Board began its project to centralize its election computer system.

The Oklahoma State Election Board modified the voting process in 1991 by purchasing optical scanning devices for every precinct in Oklahoma, purchased with State funds at a cost of \$10 million. At the time, Oklahoma County had similar new devices and Cleveland and Canadian counties had similar, but older, optical scanners. The State Election Board’s \$10 million investment provided new optical scanners for every precinct in the State.

72. [Voting Equipment](#), Verified Voting Foundation.

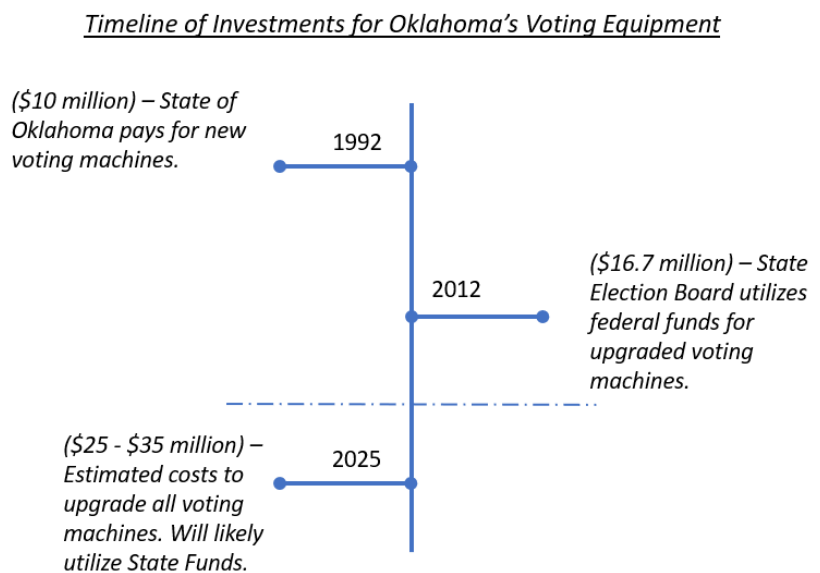
73. The History of the Oklahoma State Election Board, by Rusty Clark, 2017.

The State Election Board purchased and installed computers in every county in 1989 and 1990. By 1991, every county and state election process became automated, making Oklahoma the first state in the nation with a statewide computerized election administration.⁷⁴ The nature of the Digital Equipment Corp (DEC) machines was such that they could not be changed or altered except by experts specialized in those machines, increasing security.

On March 10, 1992, Oklahoma became the first state in the country to host an election using a centralized voting system. Having an optical scanner in each precinct was preferred over having one device per county to which marked ballots were transferred for counting. While one device per county would have been less costly, State Election Board officials were concerned this type of arrangement might compromise public confidence.⁷⁵

Oklahoma's voting processes received an upgrade in 2012 when the State Election Board bought new voting devices. This purchase cost \$16.7 million and was fully funded by federal dollars. These new devices, still in use today, combine optical scanning with an integrated audio tactile interface that allows disabled voters to cast an audio ballot securely and privately. The State Election Board intends to seek new investments from the State to upgrade the voting machines in the future and estimates it will cost approximately \$25 to \$35 million to replace every machine in each of Oklahoma's 2,000 voting precincts.⁷⁶ The State will continue to use paper ballots in combination with an upgraded optical scanning device to tabulate ballots.

Exhibit 19: Timeline of Investments for Oklahoma's Voting Equipment. (This timeline shows the investments for Oklahoma's voting equipment, denoting State and Federal funds used.)



Source: State Election Board.

Oklahoma's uniform system that is synced statewide with the same administration, oversight, procedures, technology, and equipment is a significant contributor to the security of Oklahoma's absentee voting process and overall election system. While the average citizen may take for granted the ability to view election results soon after polls close, this feature is a direct product of all stages of Oklahoma's uniform procedures culminating to achieve the most important element of an election: swift and accurate results. Absentee voters can draw confidence from the fact that they and their vote are treated in the same manner as their neighbors in other parts of the state. The Oklahoma absentee voter can also be confident that their local County Election Boards are following identical procedures to verify, anonymize, and count their ballot. County Election Boards receive close supervision and guidance to ensure that all counties enjoy the same levels of information and assistance, ensuring that no county has an advantage or disadvantage over another. Oklahoma's uniform processes and enforced local compliance protect voters, ensure accuracy, and promote efficiency throughout each step of the chain of custody.

74. The History of the Oklahoma State Election Board, by Rusty Clark, 2017.

75. Ibid.

76. Correspondence with LOFT, Feb. 3, 2023.

About the Legislative Office of Fiscal Transparency

Mission

To assist the Oklahoma Legislature in making informed, data-driven decisions that will serve the citizens of Oklahoma by ensuring accountability in state government, efficient use of resources, and effective programs and services.

Vision

LOFT will provide timely, objective, factual, non-partisan, and easily understood information to facilitate informed decision-making and to ensure government spending is efficient and transparent, adds value, and delivers intended outcomes. LOFT will analyze performance outcomes, identify programmatic and operational improvements, identify duplications of services across state entities, and examine the efficacy of expenditures to an entity's mission. LOFT strives to become a foundational resource to assist the State Legislature's work, serving as a partner to both state governmental entities and lawmakers, with a shared goal of improving state government.

Authority

With the passage of SB 1 during the 2019 legislative session, LOFT has statutory authority to examine and evaluate the finances and operations of all departments, agencies, and institutions of Oklahoma and all of its political subdivisions. Created to assist the Legislature in performing its duties, LOFT's operations are overseen by a legislative committee. The 14-member Legislative Oversight Committee (LOC) is appointed by the Speaker of the House and Senate Pro Tempore, and receives LOFT's reports of findings. The LOC may identify specific agency programs, activities, or functions for LOFT to evaluate. LOFT may further submit recommendations for statutory changes identified as having the ability to improve government effectiveness and efficiency.

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Appendix A. Methodology

Oklahoma Constitution, Statutes and Agency Policies

LOFT reviewed statutory policies and administrative rules regarding elections and absentee voting for the purposes of this evaluation.

Fieldwork Methodology:

To maximize trip efficiency, LOFT identified eight County Election Boards in the central portion of the state to visit leading up to the November 8th, 2022 General Election. LOFT sought to identify and include counties with a wide range in size in relation to voter registration. Voter registration from counties ranged from approximately 5,300 to 447,000. At the time of coordinating fieldwork in October 2022, Oklahoma had 2,295,906 registered voters in the State. The counties LOFT observed represented 728,936 voters or approximately 32 percent of registered voters in the state.

LOFT observed counties that received special permission from the Secretary of the State Election Board to open and process ballots into the voting machine early before election day. LOFT also observed one county that opened the outer envelope, checked and opened affidavit envelope, but did not open the white secrecy envelope with the ballot inside.

LOFT visited 8 County Election Boards:

- Oklahoma County
- Cleveland County
- Okmulgee County
- Blaine County
- Pottawatomie County
- Okfuskee County
- Lincoln County
- Caddo County

Appendix B: Stakeholder Interviews

This evaluation report summarizes and utilizes collected information from key stakeholders.

Interviews were conducted with stakeholders from:

- Chapters of the Oklahoma League of Women Voters:
 - Tulsa
 - Stillwater
 - Norman
 - Oklahoma County
 - State of Oklahoma Chapter
- Let's Fix This Organization

Appendix C: Instructional Materials Included in Standard Absentee Ballot

1 of 2 Pamphlets included in Standard Absentee Ballot

Voting and Preparing Your Ballot(s)

1. If you have questions about your ballot(s) or ballot materials, immediately contact your County Election Board.
2. Ballot(s) must be marked with blue or black ink.
3. Marked ballot(s) must be sealed inside the **Ballots Envelope**.
4. The **Affidavit Envelope** must be:
 - a. Filled out completely;
 - b. Signed by the voter; and
 - c. Notarized by a Notary Public.
5. The **Affidavit Envelope** may NOT be notarized by a candidate for an office on the ballot, by the chair or treasurer of a candidate's campaign, or by a person related to a candidate.
6. It is illegal for a Notary Public in Oklahoma to charge a fee to notarize an official absentee ballot affidavit. However, notaries are not required to notarize absentee ballot affidavits.
7. The **Ballots Envelope** must be sealed inside the **Affidavit Envelope**. Then the completed **Affidavit Envelope** must be sealed inside the **Return Envelope**.

Returning Your Ballot(s)

By mail: 

1. Follow instructions entitled **Voting and Preparing Your Ballot(s)** on Page 1.
2. You must affix First-class postage to your Return Envelope.
3. Ballot(s) must be transmitted by USPS mail or by a private mail service that provides delivery documentation. **You must mail your own ballot(s).**
4. To help ensure delivery of your ballot(s) by the deadline, the USPS recommends that you mail your ballot(s) at least **7 days** prior to the date of the election.
5. **Ballot(s) must be received by your County Election Board no later than 7:00 p.m. on election day.** A postmark prior to 7:00 p.m. on election day will not suffice.

By hand: 

1. Follow instructions entitled **Voting and Preparing Your Ballot(s)** on Page 1.
2. You may hand deliver your ballot(s) to your County Election Board (CEB) any day, during their regular business hours, until the close of business **on the Monday preceding Election Day.**
3. You must hand deliver your own ballot(s) with your notarized affidavit and sealed Return Envelope. **You may not hand deliver another voter's absentee ballot(s).**
4. You must show proof of identity to CEB personnel when hand delivering your ballot(s).

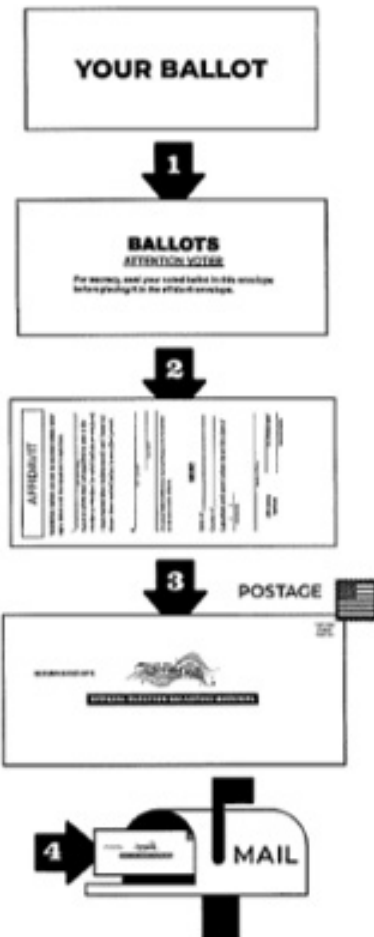
2 of 2 Pamphlets included in Standard Absentee Ballot

Side 1

Side 2

Instructions

1. Place voted ballot(s) in the Ballots Envelope.
2. Place sealed Ballots Envelope in Affidavit Envelope.
3. Place completed and notarized Affidavit Envelope containing the Ballots Envelope inside the Return Envelope.
4. Seal the Return Envelope, affix postage and mail or hand deliver.



Warning

Title 26 of the Oklahoma Statutes provides that any person shall be deemed guilty of a felony who:

- Votes more than once at any election.
- Willfully votes in an election that they know they are not eligible to vote in.
- Knowingly votes and/or submits an absentee ballot issued to another person.
- Swears or affirms a false affidavit.
- Knowingly perpetuates fraud in connection with an election.
- Offers, solicits or knowingly accepts something of value intended to influence votes directly or indirectly.

The following Ballot Harvesting activities are unlawful: [Title 26 O.S., Section 14-101.1]

- Collecting an absentee ballot from another person with the intent to return the ballot on behalf of that person or,
- Submitting an absentee ballot on behalf of another person or,
- Requesting or receiving an absentee ballot on behalf of another person, or partially or fully completing an application for an absentee ballot on behalf of another person without that person's prior consent, or
- Notarizing or witnessing more absentee ballots than allowed by law.

Appendix D: Absentee Application Voter Trends, Calendar Year 2013-2022

2022- Application Type	Dem	Ind	Lib	Rep	Totals
Standard	47496	11571	240	54506	113813
Physically/Care of Incapacitated	10358	1338	35	13355	25086
Nursing Home / Veteran Center	1317	216	18	1409	2960
Uniformed Services / Overseas	1213	421	33	1312	2979
Emergency Incapacitated	21	3	0	26	50
First Responders / Emergency Worker	1	0	0	1	2
Totals	60406	13549	326	70609	144890

2021 - Application Type	Dem	Ind	Lib	Rep	Totals
Standard	12214	2328	50	9998	24590
Physically/Care of Incapacitated	2556	269	8	2524	5357
Nursing Home / Veteran Center	406	78	4	341	829
Uniformed Services / Overseas	237	147	11	312	707
Emergency Incapacitated	1	0	0	0	1
First Responders / Emergency Worker	0	0	0	0	0
Totals	15414	2822	73	13175	31484

2020 - Application Type	Dem	Ind	Lib	Rep	Totals
Standard	178894	47157	1346	154504	381901
Physically/Care of Incapacitated	28644	4005	116	30502	63267
Nursing Home / Veteran Center	2955	517	36	2691	6199
Uniformed Services / Overseas	3180	1564	117	3550	8411
Emergency Incapacitated	82	20	0	187	289
First Responders / Emergency Worker	1	0	0	2	3
Totals	213756	53263	1615	191436	460070

2019 - Application Type	Dem	Ind	Lib	Rep	Totals
Standard	5405	1108	47	8294	14854
Physically/Care of Incapacitated	3216	296	5	3285	6802
Nursing Home / Veteran Center	748	146	7	577	1478
Uniformed Services / Overseas	92	29	1	80	202
Emergency Incapacitated	3	0	0	2	5
First Responders / Emergency Worker	0	0	0	0	0
Totals	9464	1579	60	12238	23341

2018 - Application Type	Dem	Ind	Lib	Rep	Totals
Standard	36681	8342	340	54693	100056
Physically/Care of Incapacitated	11455	1127	23	12999	25604
Nursing Home / Veteran Center	2754	388	10	1943	5095
Uniformed Services / Overseas	1203	378	37	1150	2768
Emergency Incapacitated	25	2	0	29	56
First Responders / Emergency Worker	0	0	0	0	0
Totals	52118	10237	410	70814	133579

2017- Application Type	Dem	Ind	Lib	Rep	Totals
Standard	4434	628	16	6507	11585
Physically/Care of Incapacitated	2837	210	7	3150	6204
Nursing Home / Veteran Center	735	129	0	489	1353
Uniformed Services / Overseas	144	67	5	243	459
Emergency Incapacitated	1	1	0	2	4
First Responders / Emergency Worker	0	0	0	0	0
Totals	8151	1035	28	10391	19605

2016 - Application Type	Dem	Ind	Lib	Rep	Totals
Standard	39365	8914	175	72791	121245
Physically/Care of Incapacitated	13512	1089	20	15018	29639
Nursing Home / Veteran Center	3834	418	0	2568	6820
Uniformed Services / Overseas	1562	781	70	2677	5090
Emergency Incapacitated	37	3	0	46	86
First Responders / Emergency Worker	0	0	0	0	0
Totals	58310	11205	265	93100	162880

2015 - Application Type	Dem	Ind	Lib	Rep	Totals
Standard	3407	387	0	4918	8712
Physically/Care of Incapacitated	1982	118	1	1369	3470
Nursing Home / Veteran Center	700	72	0	332	1104
Uniformed Services / Overseas	44	29	1	107	181
Emergency Incapacitated	2	0	0	1	3
First Responders / Emergency Worker	0	0	0	0	0
Totals	6135	606	2	6727	13470

2014 - Application Type	Dem	Ind	Lib / AE*	Rep	Totals
Standard	13481	1324	1	23185	37991
Physically/Care of Incapacitated	5738	248	1	5130	11117
Nursing Home / Veteran Center	1865	129	0	829	2823
Uniformed Services / Overseas	343	124	0	831	1298
Emergency Incapacitated	13	0	0	10	23
First Responders / Emergency Worker	0	0	0	0	0
Totals	21440	1825	2	29985	53252

***Note:** There was one Americans Elect party member who returned a Standard absentee ballot.

2013- Application Type	Dem	Ind	Lib	Rep	Totals
Standard	5081	600	1	7025	12707
Physically/Care of Incapacitated	2556	133	4	1915	4608
Nursing Home / Veteran Center	706	70	0	338	1114
Uniformed Services / Overseas	146	71	1	344	562
Emergency Incapacitated	1	0	0	3	4
First Responders / Emergency Worker	0	0	0	0	0
Totals	8490	874	6	9625	18995

Source: Oklahoma State Election Board.

Appendix E: Absentee Ballot Intake and Voting Equipment



- eScan A/T optical scan voting device, manufactured by Hart InterCivic. All precincts use this voting machine in Oklahoma.

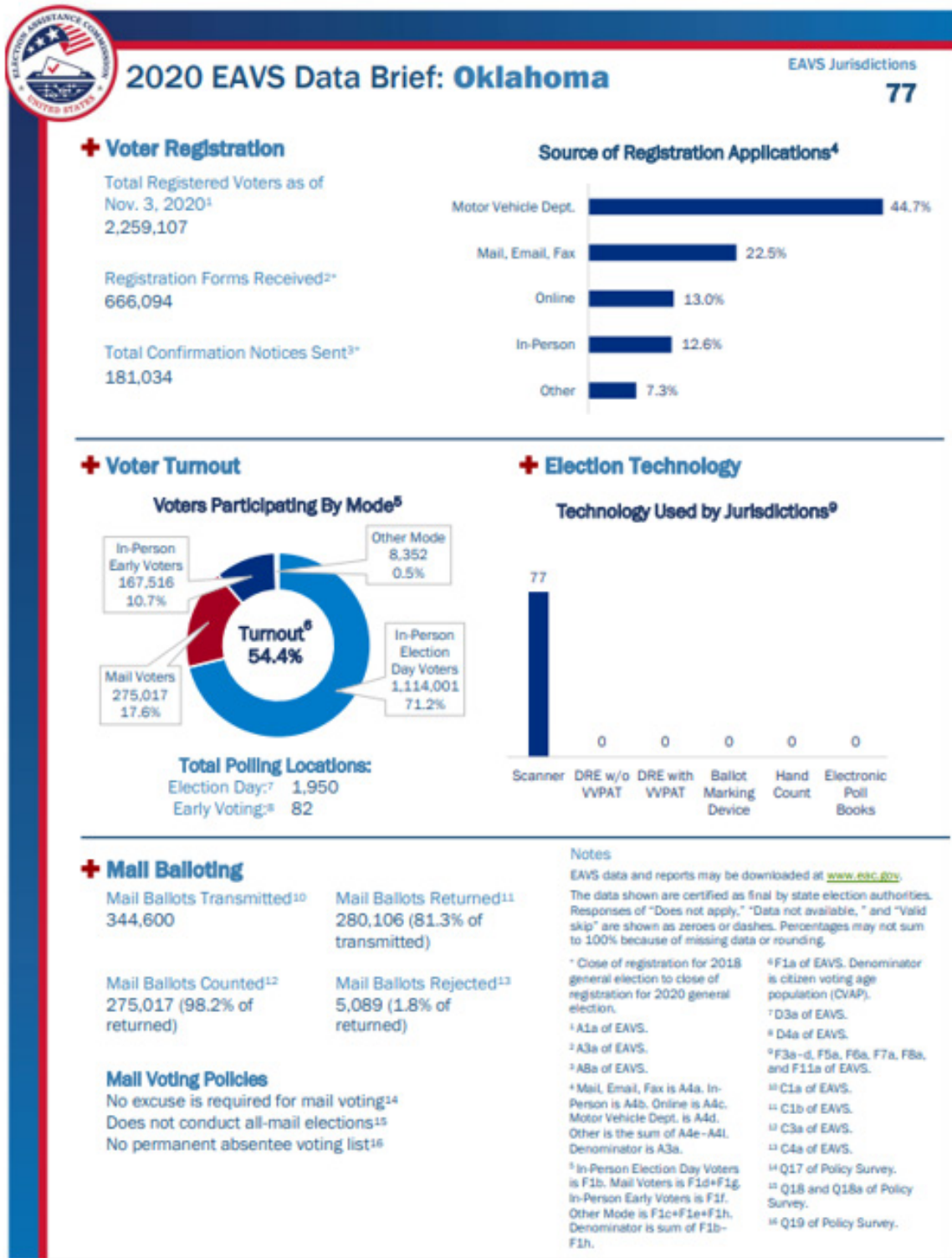
Source: Oklahoma State Election Board.



- Scanning device. This device scans and electronically records the outer green envelopes containing absentee ballots.

Source: LOFT fieldwork.

Appendix F: 2020 EAVS Data Brief – Oklahoma, Election Assistance Commission

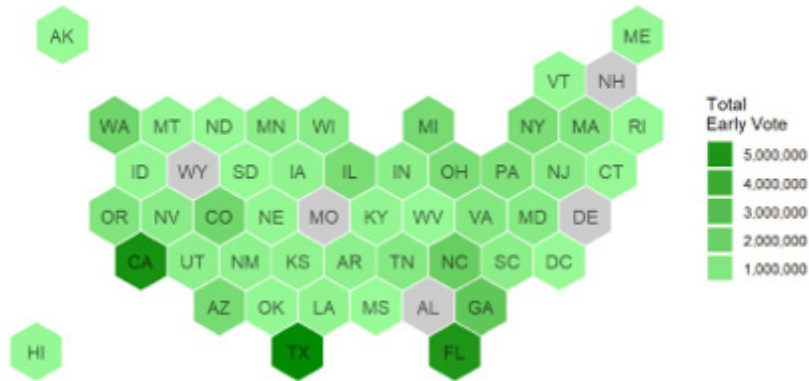


Source: US Election Assistance Commission.

Appendix G: 2022 General Election Early Voting

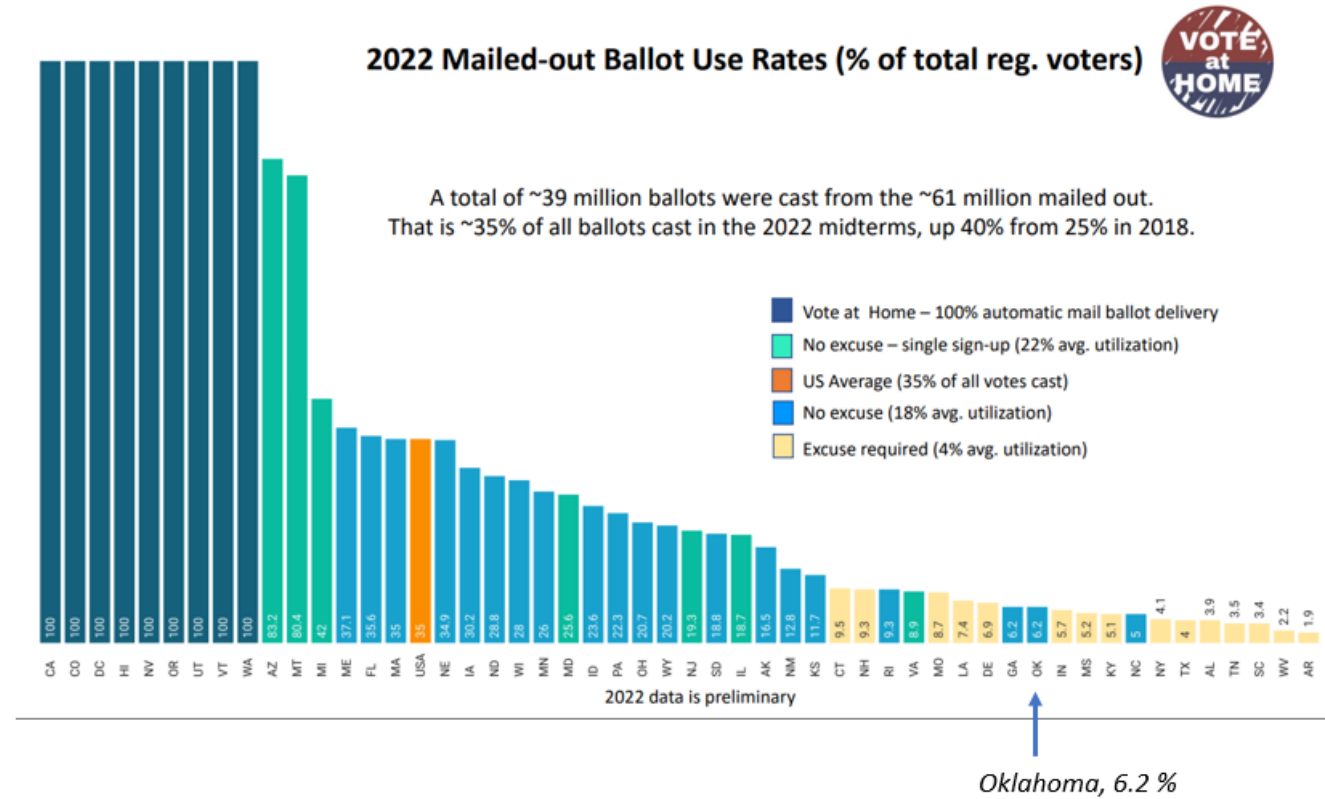
National Statistics

Total Early Votes: 45,920,446 • In-Person Early Votes: 20,487,803 • Mail Ballots Returned: 25,432,643 • Mail Ballots Requested: 58,142,486



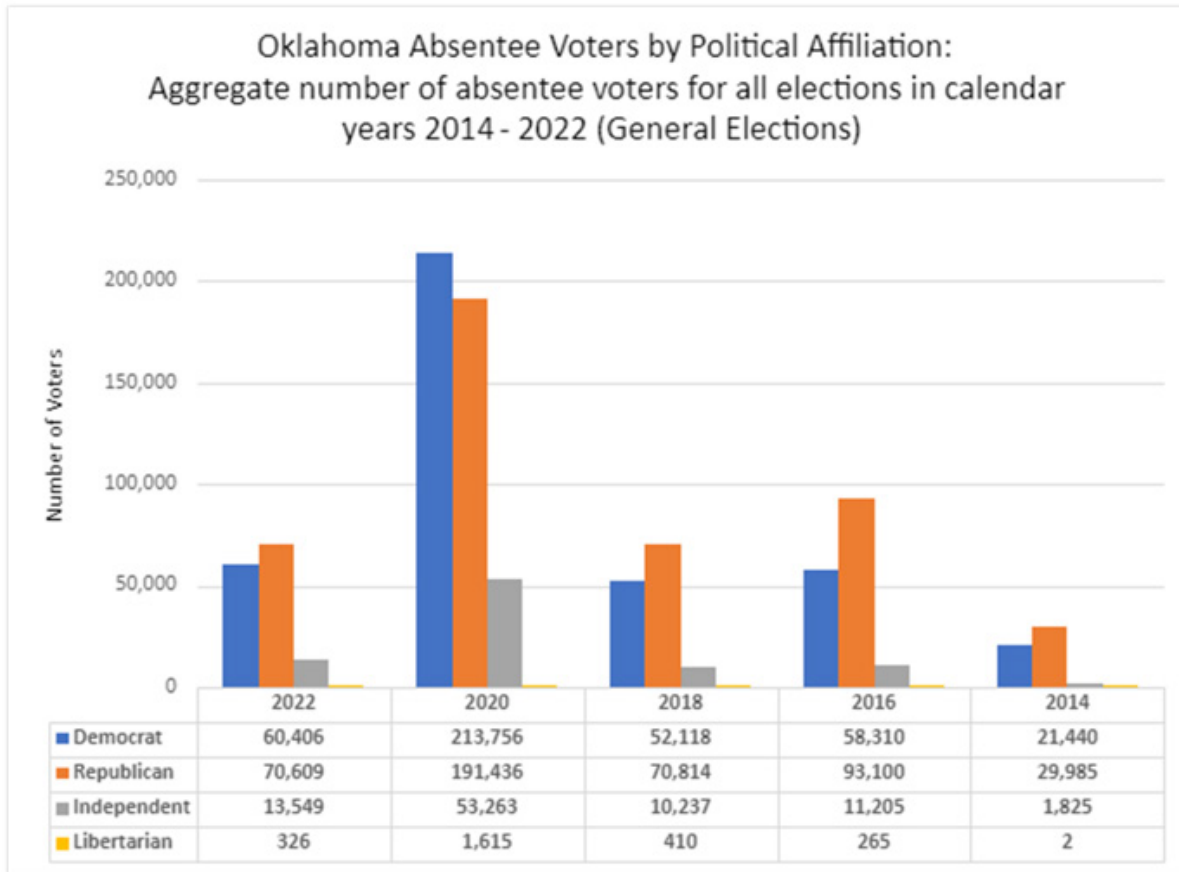
Source: United States Elections Project.

Appendix H: 2022 Mail-In Ballot Use Rates



Source: National Vote at Home Institute.

Appendix K: Absentee Voter Participation by Political Affiliation

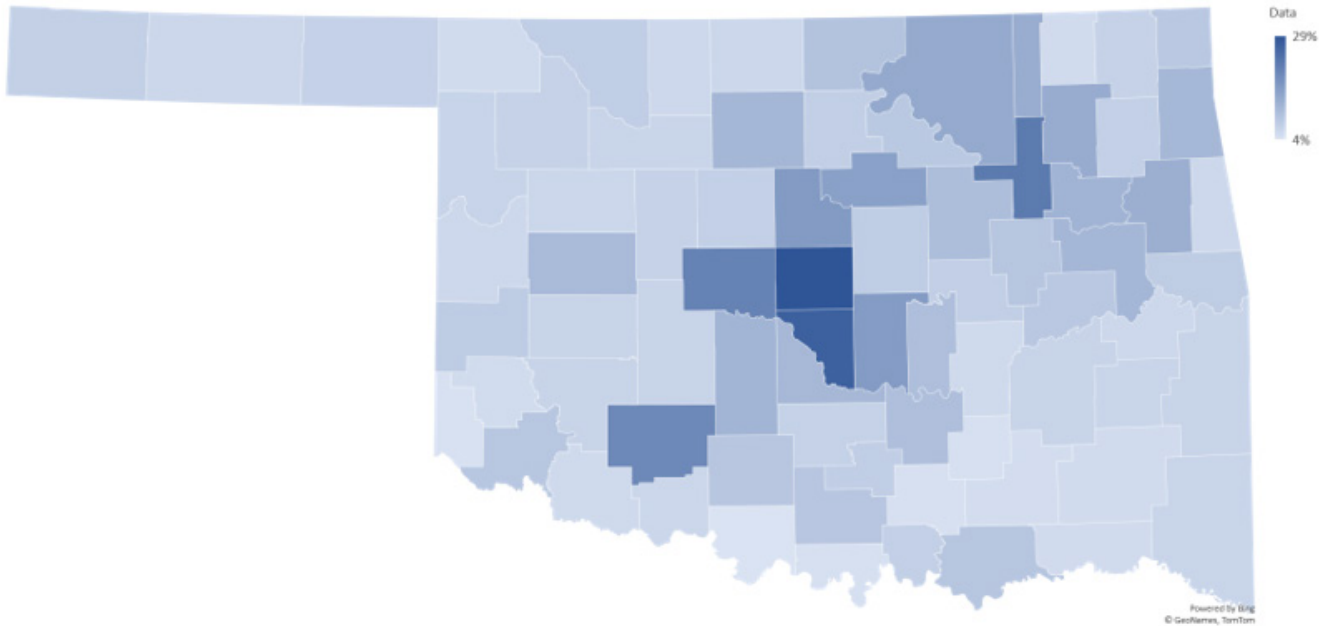


Source: Oklahoma State Election Board.

Appendix L: Absentee Ballots as a Proportion of All Ballots Cast, By County

The legend shows what portion (%) of all ballots cast in a county were mail-in absentee.

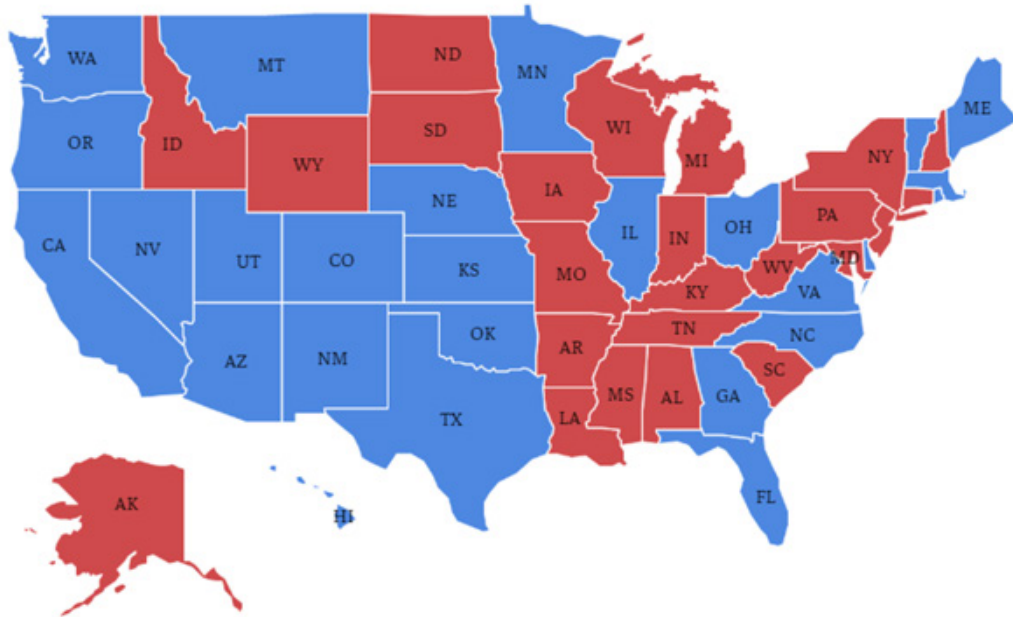
Absentee Ballots as a Proportion of All Ballots Cast, By County
November 2020 General Election



Source: Data from Oklahoma State Election Board.

Appendix M: Early Counting Allowance

States that allow ballots to be scanned into tabulators ahead of Election Day



- Ballots are NOT scanned into tabulators ahead of Election Day
- Ballots can be scanned into tabulators ahead of Election Day

*Scanning ballots into tabulators occurs before results are released. No state allows for results to be released before Election Day.

Source: Bipartisan Policy Center.

Appendix N: FY 22 State Election Board Funding Sources

Election Board					
Revenue Source	Appropriated Funds	Dedicated Funds	Inter-Agency Funds	Other Funds	Total
FY'22 General Revenue	8,617,548				8,617,548
FY'21 Appropriated matching funds towards Federal Security Grant				1,163,619	1,163,619
State Election Board Revolving Fund		312,742	43,897		356,639
Federal Funds - HAVA (Help America Vote Act)				3,353,893	3,353,893
HAVA Special Depository Fund				806,600	806,600
Federal Funds related to COVID-19				0	0
Total	\$8,617,548	\$312,742	\$43,897	\$5,324,112	\$14,298,299

Source: Legislative Office of Fiscal Transparency's analysis based on data from Oklahoma Senate FY22 Appropriation Report.

Appendix O: Supplies Provided by Oklahoma State Election Board

Additional Important Information (2/2018)	Long White Seal
Affidavit Envelope – Incapacitated	Luggage Tag
Affidavit Envelope – Standard	Magnifier Sheet
Affidavit Envelope – Uniformed Services or Overseas	Mailing Envelope
Alcohol Prep Pad	Mailing Envelope – Uniformed Services or Overseas
Application for In-Person Absentee Ballot (Green Pad)	Orange Bag for Provisional Ballot Affidavit
Attention All Voters-Proof of Identity Requirements 2/2018	Outer Envelope – Uniformed Services or Overseas
Attention Voter Sign	Padlock Seal
Ballot Envelope	Paper Clips
Ballot Envelope for Provisional Affidavit	Penlight
Ballot Transfer Box	Plastic Signature Card
Battery for Penlight, AAA	Precinct Expense Claim Envelope
Blue Seal	Provisional Ballot Affidavit
Brother Address Label	Provisional Ballot Materials Envelope
Carton Sealing Tape	Provisional Ballot Voucher
Checklist for Provisional Voting Officers	Register Here to Vote Sign
Colored Copy Paper	Registered Independent Voter Options
Earphone Cover	Request to Cancel Registration of Deceased Voter
Election Official – May I Help You? Badge	Return Envelope (Green)
Envelope for Tally Report	Rubber Band #18
I Voted Sticker	Rubber Band #64
Important Voter Information – Election Procedures and Law	Short Turquoise Seal
Incapacitated Absentee Instructions (Pink)	Standard Absentee Instructions (Yellow)
Incapacitated Absentee Warnings (Pink)	Standard Absentee Warnings (Yellow)
Ink Pen	Staples White Mailing Labels
Instructions for Voting by Absentee Ballot – Uniformed Services or Overseas	Supply Envelopes
Vote Here 7Am to 7PM	Tape (Scotch)
Vote Here Blank (for in-person absentee sites)	Thermal Paper Rolls
Voter Eligibility – Municipal Elections	Thumb Tacks
Voter Eligibility – School Elections	
Voter Identification Cards	
Voter Registration Application (270-P)	
Voting Device Key Envelope	
Voting Procedures 1/2018	
Xerographic Paper, 8.5x11, White	
Yellow Bag for Spoiled Ballots	

Source: Information provided by County Election Boards.

Appendix P: Absentee Ballot Rejection Rates for November 8th, 2022 Election

MESA - Absentee Ballot Rejection Summary by Application Type
 Time Period: 11/08/2022 to 11/08/2022
 County: STATE
 Election Date: 11/08/2022
 1/20/2023 1:29 PM

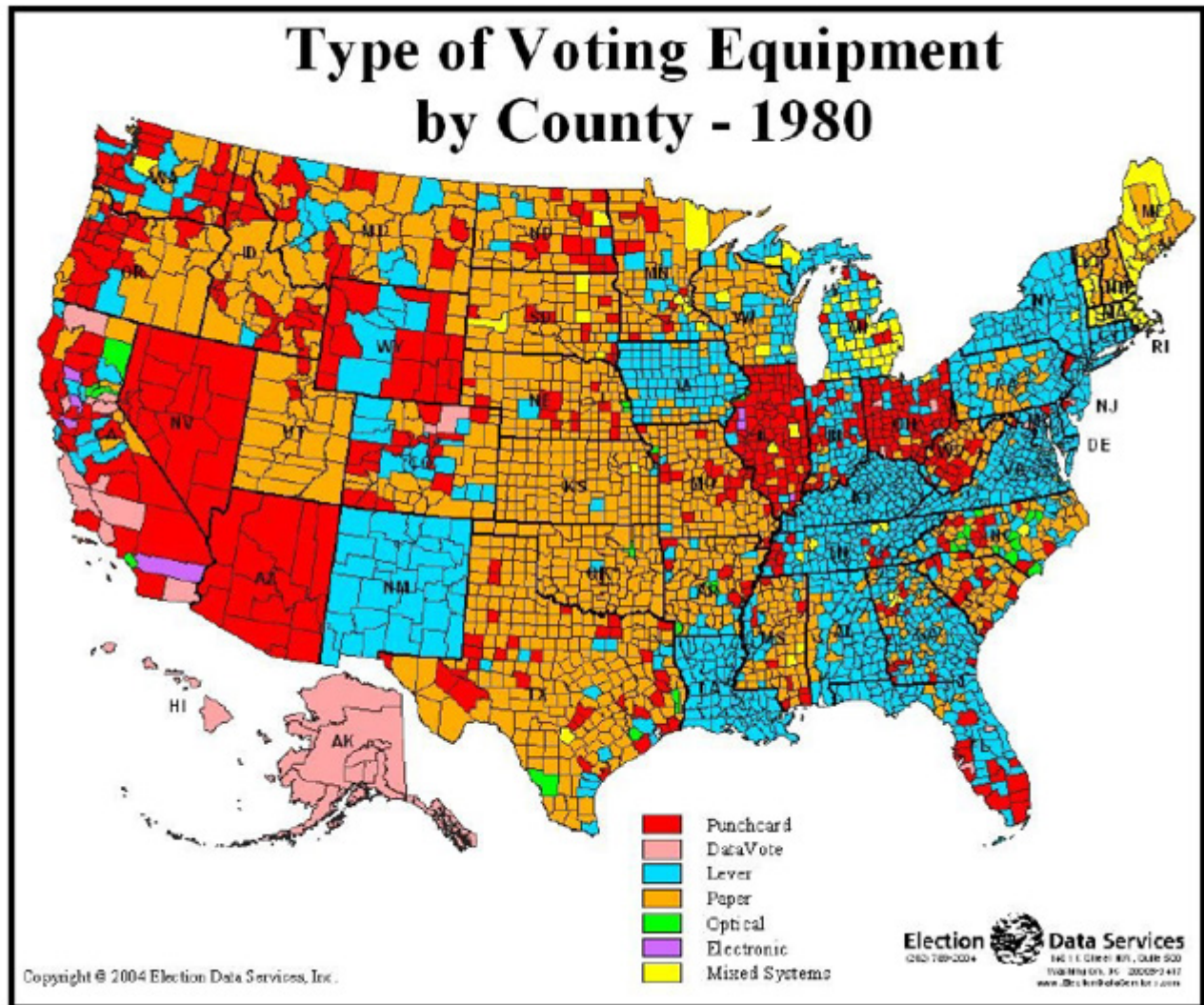
Ballot Rejection Reason	Standard	Uniformed Services	Overseas	Physically Incapacitated	Care of Incapacitated	Nursing Home	Veteran Center	Emergency Incapacitated	Emergency Responder	In Person	Totals
Affidavit Incomplete	118	0	0	43	6	2	0	0	0	0	169
Affidavit not attested	5	0	0	0	0	0	0	0	0	0	5
Affidavit not notarized	409	0	0	0	0	0	0	0	0	0	409
Affidavit not returned	53	2	0	34	9	1	0	0	0	0	99
Affidavit not signed	18	0	3	69	10	2	1	0	0	0	103
Affidavit not witnessed	0	0	0	180	27	9	3	0	0	0	219
Ballot not received in time	219	41	18	31	6	0	0	0	0	0	315
Incorrect ballot returned	4	0	0	0	0	0	0	0	0	0	4
No ballot returned	1	0	0	2	0	0	0	0	0	0	3
Privacy affidavit not signed	0	1	0	0	0	0	0	0	0	0	1
Election Totals:	827	44	21	359	58	14	4	0	0	0	1327

Totals For County:

827	44	21	359	58	14	4	0	0	0	0	1327
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Source: State Election Board.

Appendix Q: Voting Equipment by County 1980



Source: NCSL, "The Canvass States and Election Reform," June 2016.

Appendix R: Types of Voting Machines Utilized

Table 2. Types of Voting Machines Used, 2016¹⁶		
	Jurisdictions Using Voting System	
	Number	Percentage
Optical Scan	2,745	42.5%
Hybrid	1,419	21.9%
DRE	1,345	20.8%
Other	992	15.3%

Source: Election Administration and Voting Survey 2016 Comprehensive Report, A Report to the 115th Congress, U.S. Election Assistance Commission, pg. 15.

Appendix S: Voter Participation

Voter Eligible Population (VEP) takes into account how many adults in the United States are eligible to vote based on data from the July 1 Census Bureau population estimates regarding age and legal status. Those excluded include incarcerated persons. Oklahoma generally has a lower VEP rate than the United States.

VEP Voter Participation (% of those eligible to vote who voted)		
General Election	Oklahoma	United States
2016	52.3	59.2
2018	42.1	50.0
2020	55.3	66.6
2022	40.1	46.8
	(Estimation using highest number of votes for Governor)	Oklahoma ranked 45 th in VEP Voter Participation. (1 st is highest with Oregon at 62.4%)

Source: United States Election Project.

Voter Participation Actuals	
Oklahoma (General Election)	% of Registered Voters Who Voted
2016	68%
2018	56%
2020	69%
2022	50%

Source: Oklahoma State Election Board.

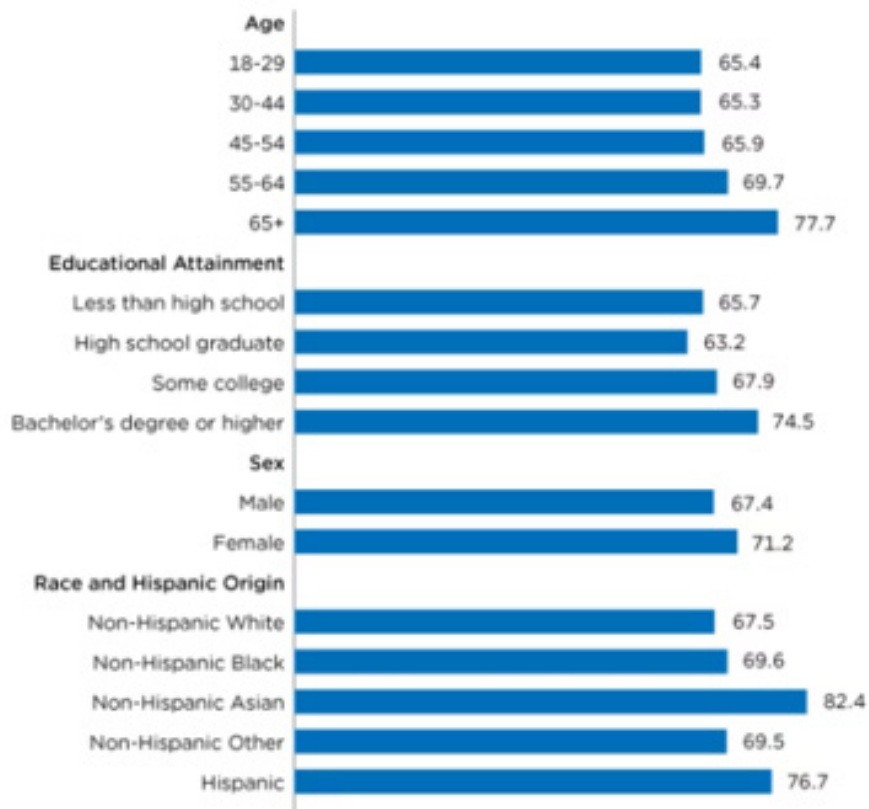
LOFT attempted to calculate the actual Registered Voter Turnout Rate for the United States, however the national data collected on this information is based on self-attesting survey data compiled by the Census Bureau. The data estimates in the table below are estimations and are not exact.

	Total population	Total citizen population	Registered				Voted				Registered Voter Turnout		
			Total registered	Percent registered (Total)	Margin of error ¹	Percent registered (Citizen)	Margin of error ¹	Total voted	Percent voted (Total)	Margin of error ¹		Percent voted (Citizen)	Margin of error ¹
2020 General UNITED STATES	252,274	231,593	168,308	66.7	0.4	72.7	0.4	154,628	61.3	0.4	66.8	0.4	92%
OKLAHOMA	2,942	2,800	1,884	64.0	3.5	67.3	3.5	1,631	55.5	3.6	58.3	3.7	87%
Registered													
	Total population	Total citizen population	Registered				Voted				Registered Voter Turnout		
			Total registered	Percent registered (Total)	Margin of error ¹	Percent registered (Citizen)	Margin of error ¹	Total voted	Percent voted (Total)	Margin of error ¹		Percent voted (Citizen)	Margin of error ¹
2018 General UNITED STATES	249,748	228,832	153,066	61.3	0.3	66.9	0.3	122,281	49.0	0.3	53.4	0.3	80%
OKLAHOMA	2,868	2,732	1,777	62.0	2.9	65.1	2.9	1,350	47.1	3.0	49.4	3.0	76%
Registered													
	Total Population	Total Citizen Population	Registered				Voted				Registered Voter Turnout		
			Total registered	Percent registered (Total)	Margin of Error ¹	Percent registered (Citizen)	Margin of Error ¹	Total voted	Percent voted (Total)	Margin of Error ¹		Percent voted (Citizen)	Margin of Error ¹
2016 General UNITED STATES	245,502	224,059	157,596	64.2	0.3	70.3	0.3	137,537	56.0	0.3	61.4	0.3	87%
OKLAHOMA	2,923	2,746	1,861	63.7	2.8	67.8	2.8	1,555	53.2	2.9	56.6	3.0	84%

Source: US Census Bureau, Table 4a, Reported Voting and Registration for States, Nov. 2020 Report.

Appendix T: Absentee Early Voting Demographics

Figure 2:
Nontraditional Voting in 2020 by Demographic Characteristics
 (In percent)



Source: US Census Bureau, Current Population Survey November 2020.

Appendix U: Oklahoma Early Voting

Oklahoma Early Voting

In 2021, the Legislature required counties to hold early voting on the Wednesday preceding the General Election and expand the hours of Saturday voting for regular statewide elections.

Early Voting – November General Election

2022 – 132,332 votes cast early

- Wednesday (Nov. 2) Early votes: 35,821

(11% of total votes cast were early votes – 132,332 out of 1.15 million total votes)

2018 – 107,350 votes cast early – (No Wednesday Option)

(9% of total votes cast – 1.2 million)

Source: State Election Board Results Website.

Appendix V: Polling Place Availability and Voter Participation

Oklahoma Polling Places

Population – 4.019 million

- **2,232,775 registered voters** as of February 2023.
- Oklahoma has **1,757 polling locations (1,982 precincts)**

Note: Some polling locations are home to more than one precinct.

- On average Oklahoma has **1,270 registered voters** per polling place.
- For comparison, as of 2020, Georgia had approximately 3,000 voters per polling place.

Source: Georgia Public Broadcasting/ProPublica analysis of state records.

Voter Participation

- Oklahoma has the 24th highest voter participation among registered voters.

Source: US Election Commission EAVS Report 2020.

Appendix W: Projected Costs Absentee Return Postage

Oklahoma – Projected Costs: Absentee Postage

Factors to consider:

- Average number of absentee ballots received by County Election Boards per election type and cycle.
- Cost per mail piece based on 2023 U.S. First-Class Postage Stamp rate of \$0.60.

Statewide Elections	Primary	Runoff	General	Total Ballots	Cost
2018	27,751	14,599	67,976	110,326	\$66,196
2020	94,614	10,459	280,885	385,958	\$231,575
2022	14,906	14,033	70,738	99,677	\$59,806
Note: Only statewide elections included. Figures included are close approximations based on the absentee votes returned for races with the greatest number of votes cast. <ul style="list-style-type: none"> - 1 U.S. First-Class Stamp utilized in cost projection. (\$0.60) -Letters (metered 1 oz.) 					\$357,577

Source: Absentee Vote Counts obtained from State Election Board Results Website; Projected costs from LOFT's analysis.

Agency Response

- *Oklahoma State Election Board, February 24, 2023*



Agency Response to the LOFT Evaluation
Report: Rapid Response: Absentee Voting
Submitted by Paul Ziriak, Secretary of the State Election Board
Friday, February 24, 2023

Introduction

The Oklahoma State Election Board (SEB) would like to thank the Legislative Office of Fiscal Transparency (LOFT) leadership and staff who produced this “rapid response” evaluation of Oklahoma’s absentee voting laws and procedures. Election administration is a complicated and arcane field, yet the evaluators appear to have successfully captured the essence of absentee voting laws and procedures in Oklahoma.

Oklahoma’s election laws prioritize uniformity, security, and integrity in the voting process, while also making it convenient for voters. This is not by accident – it is the result of a deliberate effort by the Legislature to ensure that our state has an election system that is free, fair, safe, and secure.

We would like to note that the SEB takes very seriously the Legislature’s role in determining election policy, as required by both the federal and state constitutions. Article I, Section 4, Clause 1 of the U.S. Constitution provides that the State Legislature prescribes the “Times, Places and Manner” of holding elections for United States Senators and United States Representatives. Likewise, Article 3, Section 4 of the Oklahoma Constitution states, “The Legislature shall prescribe the time and manner of holding and conducting all elections...”

In short, the Legislature determines how elections are conducted in our state, and it is the responsibility of the State Election Board and election officials to conduct elections according to the law. The SEB and the 77 county election boards work diligently to do so in a fair and impartial manner.

Finally, it is important to note that for more than a century, state law has required the Secretary of the Senate (a legislative officer) to also serve as the Secretary of the State Election Board (the state’s chief election official and administrator of the State Election Board, an executive branch agency). As such, the Legislature and the SEB have long had a relationship based on cooperation and trust. Because the SEB is led by an officer of the Legislature, our agency values and understands the importance of legislative reviews such as those performed by LOFT.

The mission of the Oklahoma State Election Board is to achieve and maintain uniformity in the application, operation and interpretation of the state and federal election laws with a maximum degree of correctness, impartiality and efficiency.



Technical Response

Finding I: Oklahoma's Absentee Voting Processes Enable Election Integrity.

The SEB agrees with LOFT's determination that our state's absentee voting processes and procedures enable election integrity. While ensuring access to the various ways in which Oklahoma voters can cast their ballot, there are numerous measures in place to safeguard the process of applying for, being issued, and casting absentee ballots. Further, the steps the county election boards (CEB) take to secure, verify, and tabulate absentee ballots are clearly defined by the statutes enacted by the Legislature. Lastly, as recognized by LOFT's evaluation, the manual post-election tabulation audits, first implemented in 2022, have confirmed the certified results and included audits of absentee ballots.

Finding II: Local Level Compliance with Effective Processes Yield a Secure and Accurate Vote Count.

The SEB agrees that compliance by election officials at the county and precinct level with the processes in place yield secure and accurate vote counts. We appreciate the fieldwork conducted by LOFT in visiting and observing the county election boards.

Much of the hard work surrounding how elections are conducted in Oklahoma is the result of the time and effort of frontline workers such as CEB secretaries, members and staff, poll workers, and absentee voting board members. The SEB takes seriously the job of providing training and instructional materials to these election officials so they have the tools and resources needed to carry out their roles. When local election officials follow all the training materials and checklists produced by the SEB, little room is left for error.

Additionally, the SEB values the Regional Coordinator program, which was created in the 1980s. State law (26 O.S. § 2-107.1) authorizes the Secretary of the State Election Board to enter into contracts – usually with the secretary of a CEB – to assist with inspections, training and support of county election boards. Regional Coordinators are peers of their fellow CEB secretaries, which enables them to serve as mentors, as well as effective liaisons between the county election boards and the SEB.

Finally, we would like to briefly speak to the two control issues observed by LOFT personnel during their fieldwork:

- *At the larger county, where LOFT observed that absentee ballots were off camera momentarily while being transported to a nearby room for counting, the county election board secretary advised us that: 1) There is a camera located in that hallway, but it had not been turned on during LOFT's visit, 2) a deputy sheriff was present and observed the ballots being transported from one room to the other, and 3) there is not enough space in the*



county election board office to house and process absentee ballots in a single, publicly accessible room.

- *At the smaller county, LOFT observed an absentee storage box where two of the locks were opened by the same key. The county election board secretary advised us that the third board member had moved out of state, and the lock and key had not yet been replaced. The secretary is aware that the proper procedure is to use three separate locks, so that the key of one lock will not unlock the others, and has taken steps to ensure this issue will not occur in the future.*

We have provided the agency’s responses to the “Policy Considerations and Agency Recommendations” related to Finding II in a later section of this response.

Finding III: Oklahoma’s Uniform Election System Supports Election Security and Efficiency.

The SEB agrees that the uniform election system established in statute by the Legislature supports election integrity and efficiency. It is true that voters in one part of Oklahoma will have the same experience as similarly situated voters in other parts of our state – whether voting on Election Day, during in-person absentee voting, or by mail absentee.

Because of the uniformity in Oklahoma’s election laws and procedures, county election boards, absentee voting boards, and precinct officials across the state have identical responsibilities and operate the same voting technology. This uniformity enables the State Election Board to support these election officials with uniform guidance, training, and resources.

Finally, we concur that the use of hand-marked paper ballots that are tabulated using optical scanners is the gold-standard of voting systems. Oklahomans can be proud that our state’s uniform system of election administration was the first of its kind in the country, which is a direct result of the vision and policies enacted by the Legislature.

Response to Policy Considerations and Agency Recommendations

Below we have listed each bullet point referenced in LOFT’s “Summary of Policy Considerations and Agency Recommendations” and follow that statement with our agency’s *response*.

Policy Considerations for the Legislature:

- Requiring that any future changes to Oklahoma’s election processes or voting equipment maintain the statewide uniformity of the election system.

The agency agrees with this policy. Current law (26 O.S. § 21-101) authorizes the Secretary of the State Election Board to purchase and implement a “unitary, unified, integrated system of election administration for the State of Oklahoma that includes an



electronic data processing system for maintenance of voter registration records, certification of election results and other election-related applications, and the installation of electronic, optical scanning voting devices compatible with the same system in every precinct polling place.” That statute also prohibits counties from purchasing or implementing “electronic data processing” applications and “voting devices.” Additional requirements for maintaining uniformity are contained in 26 O.S. § 21-102 and 26 O.S. § 2-107.

- Requiring post-election audits by the State Election Board. Current statutes permit the audits, but do not require them.

The agency has no objection to making post-election audits mandatory. The Legislature enacted 26 O.S. § 3-130 in 2019, which authorized post-election audits in Oklahoma. Beginning in 2022, the Secretary of the State Election Board implemented post-election audits for statewide elections. The Secretary’s intention is for post-election audits to be conducted for most elections in the future.

- Requiring risk limiting audits to be conducted by the State Election Board, contingent upon the purchase of updated voting technology.

Although risk limiting audits are popular among academics, they are more complicated than the random tabulation audits that are currently utilized in Oklahoma. Risk limiting audits would likely require more time and expense to perform – especially in close races. Requiring a specific type of audit to be conducted would also remove any flexibility as voting technology changes and election audit processes advance in the future.

It should also be noted that Oklahoma’s current voting system cannot accommodate the batching and random selection of ballots in a manner necessary to conduct a risk limiting audit. If the Legislature decides to mandate risk limiting audits, we would ask that it be contingent upon the State Election Board acquiring a new statewide voting system and providing sufficient time for the agency to develop the proper procedures to carry them out.

- Exempt voting equipment from approval requirements under Title 74, Section 85.5.

The agency has no objections to this proposal, provided that the Legislature maintains the statutory requirement that Oklahoma continue to use a uniform, statewide voting system that utilizes hand-marked paper ballots counted by optical scan voting devices.

- Expand the use of Nursing Home Absentee Boards to include residents at Assisted Living and Residential Care Facilities who have limited mobility.

This proposal is a major policy change, and the agency believes the Legislature should be cautious in its consideration of it.

In most counties, the implementation of this proposal would significantly increase the number of voters and the number of facilities eligible to be visited by an absentee voting



board. This is a decision for the Legislature to make, but implementing it is ultimately a factor of the time, personnel, and funding available.

Legislators should consider the following issues regarding this proposal:

- *The current number of absentee voting boards is insufficient to implement this policy change.*
- *The required funding for absentee voting boards could increase significantly for the state, counties, and local governments.*
- *The window of time available for absentee voting boards to visit nursing facilities under current law would likely be insufficient to also visit these additional facilities.*
- *How would the Legislature define eligibility, and what guardrails would be put in place to ensure that the process would remain secure?*

The agency recommends that legislators work with industry experts to determine the number of additional facilities and voters that might become eligible to be visited by an absentee voting board, and speak to their county election board secretaries about the logistics and additional personnel and funding required to implement this policy.

- Requiring county election boards to count absentee ballots in a single room that is accessible to the public.

This requirement may not be feasible for some county election boards, who are commonly provided a small office and workspace with very little storage space by their county government. Many existing county election board offices would not have sufficient space to accommodate this requirement.

If the Legislature implements this policy, the agency recommends including a mandate that the county government must provide sufficient space within the county election board office to accommodate this requirement.

- Changing the name of the State Election Board agency to the State Election Agency or Bureau to avoid confusion with the State Election Board.

The agency does not have a strong opinion regarding this proposal. However, the agency believes the Election Code (Title 26 of the Oklahoma Statutes) and the Administrative Code (Title 230), for the most part, delineate the responsibilities of the Board's functions and the agency's duties.

- Changing the statutory term of "in-person absentee" voting to "early voting" to clarify the types of voting available to the electorate.

The agency already informally refers to "in-person absentee" voting as "early" voting, so this is a sensible change that would align Oklahoma's statutes with commonly used terminology.

Agency Recommendations

- Indicate the postage required on the upper right-hand corner of the outer mailing envelope for mail in ballots.

The agency will work with county election board secretaries to identify a cost-effective means of accommodating this recommendation.

Given that envelopes are printed and purchased in bulk, and that the cost of postage can vary by election and frequently changes, it is not practical to pre-print the postage amount on envelopes. It is possible this could be accomplished with an ink stamp or sticker – either on the return envelope itself or on the instruction sheet.

It should be noted that although the agency purchases the envelopes used for absentee voting, it is actually the county election boards that send absentee ballots and accompanying materials to voters, and would be responsible for carrying out this change.

- Clarify for county election boards:
 - Whether two properly notarized ballots may be mailed in a single outer envelope.

The agency believes the Legislature should provide clarity on this issue through legislation, as some county election boards have handled this situation differently. To be clear, state law currently requires voters to place their own sealed ballot into the return envelope and return it personally (e.g., see 26 O.S. § 14-108). The Legislature may wish to clarify which ballots, if any, should be counted if ballots from multiple voters are returned in the same envelope.

In the meantime, the Secretary will contact the Office of the Attorney General to request legal advice on this matter that can be shared with county election boards and district attorneys.

- Whether a signed and notarized ballot must also include the date signed.

The agency believes the Legislature may need to provide clarity on this issue through legislation.

In the meantime, the Secretary will contact the Office of the Attorney General to request legal advice on this matter that can be shared with county election boards and district attorneys.

- Clarify the voter instructions provided with the absentee ballot to describe the steps needed to notarize a ballot. Include a link to the State Election Board website for a list of free notary publics in their area.

The agency will explore ways to add this information to the instructions for standard absentee ballots when new absentee materials are printed for the 2024 elections.



OKLAHOMA

State Election Board

- Require two staff or board members be physically present with the ballots at all times when transporting unlocked ballots between rooms, such as what occurs in large counties.

The agency will explore ways to administratively implement this recommendation.

- Clarify that each lock on the absentee storage boxes must use a unique key.

Current procedures clearly require the use of three separate locks, so that the key of one lock will not unlock the others, on the storage boxes for absentee ballots, with the county election board secretary, chair, and vice chair each having a key to one of the locks.

The agency will provide a reminder about these requirements to all county election board secretaries and members.

- Modify absentee ballot rejection categories to distinguish between incorrect notarization or lack of notarization.

The agency will work with our software developers to modify the election management software to accommodate this recommendation.

Conclusion

Once again, the State Election Board would like to thank LOFT for its objective and accurate evaluation of Oklahoma's absentee voting laws and procedures. Our hope is that this report will be a useful resource for the public, legislators, and election officials alike.

Please do not hesitate to contact us if additional questions arise. Thank you.

Sincerely,

A handwritten signature in blue ink that reads "Paul Ziriak".

PAUL ZIRIAX

Secretary of the Oklahoma State Election Board