OKLAHOMA STATE ELECTION BOARD

DECLARATION OF ELECTION EMERGENCY 2020-03

Amended

WHEREAS on March 11, 2020, the World Health Organization classified the Coronavirus Disease 2019 (COVID-19) as a pandemic; and

WHEREAS on March 13, 2020, President Donald J. Trump declared the ongoing Coronavirus Disease 2019 (COVID-19) pandemic of sufficient severity and magnitude to warrant an emergency declaration for all states, tribes, territories, and the District of Columbia pursuant to Section 501 (b) of the Robert T. Stafford Disaster Relief and Emergency Assistance Act, 42 U.S.C. §§ 5121-5207 (the "Stafford Act"); and

WHEREAS Governor J. Kevin Stitt has issued Amended Executive Order 2020-20 on August 28, 2020, declaring an emergency for all seventy-seven (77) Oklahoma counties caused by the ongoing threat of COVID-19 to the people of this State and public's peace, health and safety, allowing for the re-opening of nursing homes, long-term care facilities, and retirement homes, subject to guidance from the State Department of Health; and

WHEREAS the State Department of Health issued its "COVID-19 Phased Reopening Guidance in Long Term Care Facilities," noting that most facilities are in Phase 3; and

WHEREAS the State of Oklahoma has been under an ongoing state of emergency since March 15, 2020; and

WHEREAS Paragraph B of Section 3 of Senate Bill No. 210, 2020 O.S.L. 10 authorizes the Secretary of the State Election Board to "establish emergency procedures" for nursing facilities and veterans centers; and

WHEREAS Absentee Voting Boards may be prohibited from entering some nursing facilities and veterans centers due to COVID-19 restrictions; and

WHEREAS the Secretary of the State Election Board finds that national and local emergencies currently exist that could make substantial compliance with state and federal election laws impossible or unreasonable.

NOW, THEREFORE, I, Paul Ziriax, Secretary of the Oklahoma State Election Board, pursuant to the power vested in me by Paragraph 1 of Subsection A of Section 22-101 of Title 26

State Capitol Bldg, Room G28 | PO Box 53156, Oklahoma City, OK 73152-3156
Phone: 405-521-2391 Fax: 405-521-6457 elections.ok.gov

of the Oklahoma Statutes and Paragraph B of Section 3 of Senate Bill No. 210, 2020 O.S.L. 10, hereby declare and order the following:

¶ 1. An election emergency exists for the remaining elections being held in 2020.

¶ 2. The following emergency procedures and instructions, attached hereto, are hereby established for nursing facilities and veterans centers:

a. Special Procedure for Nursing Home Absentee Voting Boards for Elections During COVID-19 Pandemic in 2020;
b. Special Instructions for County Election Board Secretary During COVID-19 Pandemic Regarding Nursing Home Absentee Voting Boards;
c. Instructions for Designated Nursing Home Employees;
d. Spoiled Ballot Procedure for Nursing Home Absentee Voting Board and Designated Nursing Home Employees;
e. Oath for Designated Nursing Facility or Veterans Center Employee; and
f. Ballot Custody Transfer Form;

Copies of this Declaration of Election Emergency shall be posted on the State Election Board website, https://www.elections.ok.gov.

IN WITNESS WHEREOF, I have set my hand and caused the seal of the State Election Board to be affixed at Oklahoma City, Oklahoma, this 11TH day of September, 2020.

Paul Ziriax

PAUL ZIRIAX, *Secretary*
OKLAHOMA STATE ELECTION BOARD

JANA KOWALS NOTARY # 17001398 EXP. 02/10/21 PUBLIC STATE OF OKLAHOMA

ATTEST:

Jana Kowals

Notary Public

My Commission expires on: 02-10-2021

Special Instructions for County Election Board Secretary During COVID-19 Pandemic Regarding Nursing Home Absentee Voting Boards

The Secretary of the County Election Board shall follow existing procedures outlined in the ***Secretary's Digest*, Absentee Voting Board, Sections 11-40 through 11-46** to appoint Absentee Voting Board members to serve each day of in-person absentee voting and to visit nursing homes and veterans centers in the county. In addition, the following special procedures also shall be observed.

Scheduling Nursing Home Absentee Voting Board Visits

Prior to each upcoming election in 2020, the County Election Board Secretary shall contact the administrator of each nursing home in the county where residents have applied to receive absentee ballots for upcoming elections in 2020. The County Election Board Secretary shall ask if the Absentee Voting Board members will be prohibited from entering the facility due to COVID-19 restrictions. If the Board will be prohibited from entering the facility, discuss the provisions of SB 210 and of SB 1779 and the special procedures for nursing home Absentee Voting Board members with the administrators. In the event that the AVB is prohibited from entering a nursing facility or veterans center due to restrictions related to the COVID-19 pandemic, the Secretary shall request the administrator of each facility to designate two employees to act in the place of the appointed nursing home Absentee Voting Board to deliver absentee ballots and materials to individual voters in the facility. As soon as possible, the administrator should provide the names of the employees to the Secretary. The administrator may be, but is not required to be, one of the two designated employees.

The Secretary and the administrator shall arrange a telephone call with the designated employees prior to the day the nursing home Absentee Voting Board is scheduled to visit. The Secretary shall fax or email the procedures, forms, and Oath to the administrator in advance of the telephone call so that designated employees are able to read the materials prior to the telephone call and prior to the date of the nursing home Absentee Voting Board visit.

Notify Nursing Home Absentee Voting Board Members

Follow the instructions in ***Digest* Section 11-46** to notify all Absentee Voting Board members at least 10 days prior to the election.

Training Nursing Home Absentee Voting Board Members on COVID-19 Procedures

Schedule training for all Absentee Voting Board members scheduled to work during an election in 2020 to acquaint them with special procedures and instructions concerning social distancing, masks or cloth face coverings, hand sanitization, and other new instructions.

Additional Supplies for Nursing Home Absentee Voting Boards

In addition to the supplies listed in ***Digest* Section 11-48**, the following additional supplies shall be provided to nursing home Absentee Voting Boards: hand sanitizer, masks, Special Procedures for Nursing Home Absentee Voting Boards for Elections During COVID-19 Pandemic in 2020; Procedure for Designated Nursing Home Employees, the Absentee Voting Board Record for each nursing home with two copies of the Oath for Designated Nursing Home or Veterans Center Employees, and the Ballot Custody Transfer Form attached.

Giving Credit for Voting

After all nursing home visits have been completed, enter the date of the nursing home Absentee Voting Board's visit for each nursing home voter listed on the various Absentee Voting Board Records who voted. See ***Digest* Section 11-51**.

Corrected Special Procedure for Nursing Home Absentee Voting Boards for Elections During COVID-19 Pandemic in 2020

In the event the appointed nursing home Absentee Voting Board is prohibited from entering a nursing facility or veterans center due to restrictions related to the COVID-19 pandemic or another localized outbreak of a communicable disease, the following procedure shall be observed. This same procedure shall be observed at every nursing home or veterans center at each affected election.

Nursing Home Absentee Voting Board

1. The nursing home Absentee Voting Board members shall observe CDC social distancing guidelines and wear masks or cloth face coverings at all times when together in the County Election Board office, in the same vehicle, and at the nursing home.

2. The two members of the nursing home Absentee Voting Board may travel together in the same vehicle, as usual, or they may travel in separate vehicles. If the members prefer separate vehicles, both nursing home Absentee Voting Board members will be reimbursed for mileage.

   In the event the nursing home Absentee Voting Board members travel in separate vehicles, the ballot packets, extra ballots, and extra Affidavit envelopes shall be transported by one member and the locked ballot box and other voting supplies shall be transported by the other member.

3. Upon arrival at a nursing home, one member of the Absentee Voting Board contacts the administrator or another designated contact inside the facility. Once the contact is made, the Absentee Voting Board members shall wait until two designated nursing home employees exit the facility.

4. Before the two designated employees are allowed to take custody of the ballot packets, supplies, Absentee Voting Board Record, and ballot box, they must read and sign the Oath and sign the Ballot Custody Transfer Form to acknowledge receipt of the voting materials.

5. The Absentee Voting Board members keep the extra ballots and extra affidavit envelopes.

6. The Absentee Voting Board members wait outside until the employees return with the ballot box, unused ballot packets, and the Absentee Voting Board Record.

7. In the event a voter spoils a ballot, one of the designated employees is instructed to obtain the voter's signature on a Spoiled Ballot Affidavit and then bring both the spoiled ballot and the Spoiled Ballot Affidavit outside to the Absentee Voting Board members. One of the members issues a new ballot for the voter's precinct and style and signs the Spoiled Ballot Affidavit at the bottom. Give the new ballot <u>and</u> the Affidavit back to the designated employee.

8. When the designated employees return to the Absentee Voting Board members after all residents have voted with ballot box and voting supplies, verify:

Corrected Scrivener's error: Item 7 – "are" changed to "is".

a. The Absentee Voting Board Record indicates that each voter listed voted, did not vote. If a voter has moved or died, the Undeliverable column should be checked.
b. All prepared ballot packets for voters who **did not vote** or who have moved or died (Undeliverable) have been returned.

9. The Absentee Voting Board members sign the Ballot Custody Transfer Form in the presence of the designated employees to acknowledge the return of the ballot box and materials to the Board.

10. If the Absentee Voting Board members traveled in separate vehicles, one member takes the locked ballot box and the other takes unused ballot packets, extra ballots, and other supplies.

11. The two Absentee Voting Board members either continue to the next nursing home or veterans center or return to the County Election Board office as instructed by the County Election Board Secretary.

Corrected Instructions for Designated Nursing Home Employees

In the event an Absentee Voting Board is prohibited from entering a nursing facility or veterans center due to restrictions related to COVID-19, nursing home employees are designated by the administer and enlisted to act in the place of an appointed nursing home Absentee Voting Board. Following are the procedures and instructions for the designated employees to use while delivering absentee ballots, materials, and assistance inside the nursing home to residents who applied for absentee ballots. The employees follow these instructions.

1. Only voters listed on the Absentee Voting Board Record for the nursing home may vote.

2. Each voter marks his or her own ballot with a ballpoint pen in the presence of the employees. The employees do not observe how or for whom the voter votes.

3. If a voter is unable to read the ballot due to visual disability or is physically unable to mark the ballot, the employees shall give assistance as needed to enable the voter to perform these tasks.
    a. While a voter may receive assistance, only the voter shall determine how the ballots are marked.
    b. If a voter is unable to understand or to communicate choices on the ballot or to instruct the person giving assistance regarding the voter's candidate choices, the voter cannot vote.

4. If a voter makes a mistake marking a ballot, it is spoiled and must be replaced. Follow the steps for the Spoiled Ballot Procedure for Nursing Home Absentee Voting Board and Designated Nursing Home Employees printed on the back of the gold Spoiled Ballot Affidavit. Then return to step 5 on this page.

5. When the voter has marked the ballot, the voter folds the ballot and puts it inside the Ballots envelope. If the voter is unable to fold the ballot or to insert it in the envelope, one of the employees may help.

6. The voter or a designated employee seals the Ballots envelope with a damp paper towel.

7. The voter fills out the affidavit envelope. If the voter is physically unable to fill out the Affidavit, one of the employees may do so, but only the voter may sign the Affidavit.

8. If the voter is physically unable to write his or her signature on the Affidavit, the voter may make any kind of mark in the signature space.

9. Both employees witness the voter's signature or mark by signing the Affidavit envelope in the spaces for witnesses. The designated employees are not required to write their addresses on the Affidavit envelope.

10. If a voter is unable even to make a mark in the signature space, one employee prints the voters name on the signature line and writes his or her own initials beside the printed name. The employee then must complete and sign the "Assistant's Oath" on the Affidavit.

11. Put the sealed Ballots envelope inside the Affidavit envelope and seal the Affidavit envelope with a damp paper towel.

12. Put the Affidavit inside the Return Envelope. Seal the Return Envelope with a damp paper towel.

13. Put each sealed Return Envelope in the locked absentee ballot box.

14. One of the designated employees shall check "Did Vote" or the "Did Not Vote" column, for every voter listed on the Absentee Voting Board Record. If a voter listed on the Absentee Voting Board Record has moved or died, check the "Undeliverable" column.

15. When all voting is completed, both designated employees take the ballot box, supplies, and any remaining unused ballots or unvoted ballots outside to the Absentee Voting Board members.

Corrected Scrivener's error: Items 12, 13 and 14 – "Outer envelope" was changed to "Return Envelope".

Oath

for

Designated Nursing Facility or Veterans Center Employee

I understand that upon receiving the materials I will act in place of the regular nursing home absentee voting board member inside this facility. I understand that:

- only the voters named on the attached report may vote;
- only the voter may mark the ballots or direct an assistant how to mark the ballots;
- a voter who is unable to mark the ballot personally and also unable to communicate to an assistant a choice of candidate in races and/or a choice on questions and propositions may not vote today.

I understand that it is deemed a felony under Oklahoma election law for an administrator or employee of this facility to coerce or influence the vote of a resident in this facility and that it is a felony to prevent or attempt to prevent a resident in this facility from voting.

By signing the Ballot Custody Transfer Form, I swear or affirm that I will follow the instructions provided to me by the County Election Board.

Designated Employee's Printed Name: _____

Address: _____

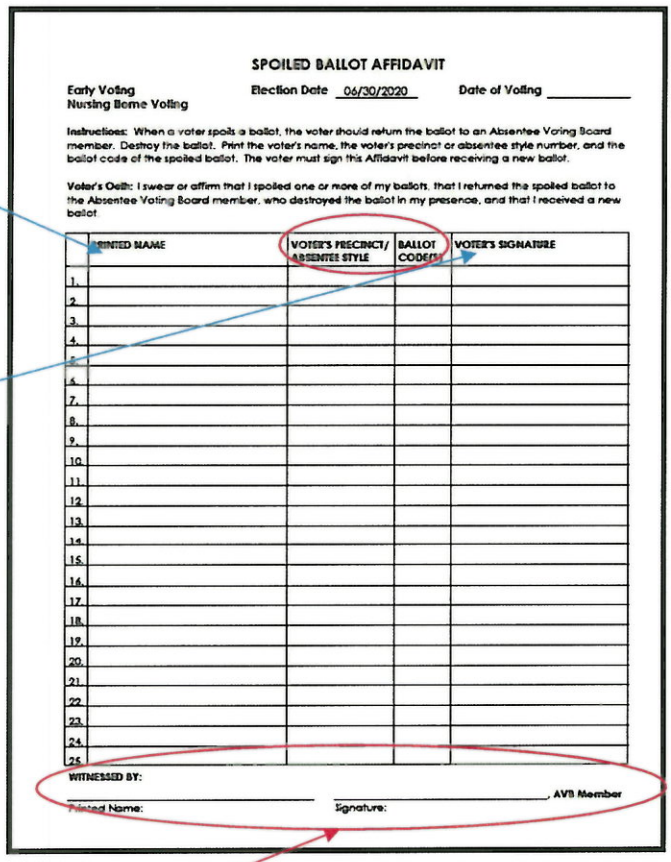
Signature: _____

Date: _____

Spoiled Ballot Procedure
for Nursing Home Absentee Voting Board and
Designated Nursing Home Employees

If a voter makes a mistake marking his or her ballot, the ballot is spoiled and must be replaced. Follow these steps:

1. Ask the voter to fold the spoiled ballot in half. Take the folded, spoiled ballot from the voter.
2. If more than one ballot was issued to the voter, tell the voter to fold all the correctly marked ballots and put them in the Ballots envelope.
3. Print the voter's name in the first column on the Spoiled Ballot Affidavit.
4. Tell the voter to sign in the Signature column.
5. If the voter is unable to write his or her signature or mark, print the voter's name in the signature column and print your initials beside the voter's name.
6. One of the designated employees takes the folded, spoiled ballot and the Spoiled Ballot Affidavit outside to the waiting Absentee Voting Board members while the other employee stays with the voter.
7. The Absentee Voting Board destroys the spoiled ballot by tearing it into several pieces and issues a new ballot to replace the spoiled one.



SPOILED BALLOT AFFIDAVIT

Early Voting
Nursing Home Voting

Election Date 06/30/2020 Date of Voting _____

Instructions: When a voter spoils a ballot, the voter should return the ballot to an Absentee Voting Board member. Destroy the ballot. Print the voter's name, the voter's precinct or absentee style number, and the ballot code of the spoiled ballot. The voter must sign this Affidavit before receiving a new ballot.

Voter's Oath: I swear or affirm that I spoiled one or more of my ballots, that I returned the spoiled ballot to the Absentee Voting Board member, who destroyed the ballot in my presence, and that I received a new ballot.

	PRINTED NAME	VOTER'S PRECINCT/ ABSENTEE STYLE	BALLOT CODE(S)	VOTER'S SIGNATURE
1.				
2.				
3.				
4.				
5.				
6.				
7.				
8.				
9.				
10.				
11.				
12.				
13.				
14.				
15.				
16.				
17.				
18.				
19.				
20.				
21.				
22.				
23.				
24.				
25.				

WITNESSED BY:

_____ _____, AVB Member

Printed Name: Signature:

8. One member will sign the Spoiled Ballot Affidavit in the space provided at the bottom of the form. The Absentee Voting Board member also writes the voter's precinct number and the correct ballot style on the line with the voter's name and signature.
9. Take the new ballot and the Spoiled Ballot Affidavit (in case another voter spoils a ballot) back inside to the voter.
10. Allow the voter to mark the replacement ballot, fold it, and put inside the Ballots envelope.

Ballot Custody Transfer Form

Attach this form to the Absentee Voting Board Record. This form must be returned with ballot box and supplies. All signatures indicated must be provided.

Name of Nursing Home or Veterans Center:
Date of Visit:

Ballots, Supplies, and Ballot Box Received from County Election Board Secretary

Absentee Voting Board member name:

Signature: _____

Absentee Voting Board member name:

Signature: _____

Ballots, Supplies, and Ballot Box Received from Nursing Home Absentee Voting Board

Designated Employee Name (print): _____

Signature: _____

Designated Employee Name (print): _____

Signature: _____

Ballots, Supplies, and Ballot Box Returned to Nursing Home Absentee Voting Board

Absentee Voting Board member's signature: _____

Absentee Voting Board member's signature: _____

Ballot Box and Unused Materials Returned to County Election Board Secretary by Nursing Home Absentee Voting Board Members

Time and date returned by Absentee Voting Board: _____

_____, County Election Board Secretary