

STATE OF OKLAHOMA

1st Session of the 43rd Legislature (1991)

SENATE BILL NO. 254

BY: STIPE

AS INTRODUCED

AN ACT RELATING TO ELECTIONS; AMENDING 26 O.S. 1981, SECTIONS 14-105, AS LAST AMENDED BY SECTION 1, CHAPTER 78, O.S.L. 1985 AND 14-115 (26 O.S. SUPP. 1990, SECTION 14-105), WHICH RELATE TO ABSENTEE BALLOTS; DELETING CERTAIN REQUIREMENT FOR OBTAINING ABSENTEE BALLOT; MODIFYING CERTAIN REIMBURSEMENTS; PROVIDING PROCEDURES FOR VOTERS TO APPLY FOR IN-PERSON ABSENTEE BALLOTS ON CERTAIN DATES; STATING REQUIREMENT FOR VOTERS TO APPLY FOR SUCH ABSENTEE BALLOT; PROVIDING FOR ABSENTEE VOTING BOARDS TO BE ON DUTY ON CERTAIN DATES; PROVIDING PROCEDURES FOR SUCH IN-PERSON ABSENTEE VOTING; PROVIDING METHOD FOR SUCH BALLOTS TO BE COUNTED; REPEALING SECTION 10, CHAPTER 204, O.S.L. 1984 (26 O.S. SUPP. 1990, SECTION 14-113.3), WHICH RELATES TO ABSENTEE BALLOTS FOR PERSONS TRAVELING MORE THAN TEN MILES FROM POLLING PLACE; PROVIDING FOR CODIFICATION; AND DECLARING AN EMERGENCY.

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

SECTION 1. AMENDATORY 26 O.S. 1981, Section 14-105, as last amended by Section 1, Chapter 78, O.S.L. 1985 (26 O.S. Supp. 1990, Section 14-105), is amended to read as follows:

Section 14-105. A Any registered voter ~~who swears or affirms that he intends to be absent from the county wherein he is registered on the day of the election~~ may apply for an absentee ballot either in person at the county election board, by United States mail, or by telegraph. The Secretary of the State Election Board shall prescribe a form to be used for said application, although any written or telegraphed application setting forth substantially the same facts shall be valid.

SECTION 2. AMENDATORY 26 O.S. 1981, Section 14-115, is amended to read as follows:

Section 14-115. If the secretary of a county election board receives a request from an incapacitated elector confined to a nursing home or convalescent hospital within the county of his jurisdiction, the secretary shall cause to be implemented the following procedures:

1. ~~The secretary shall designate one or more absentee voting boards, to be composed of two (2) members each, with each member to be of a different political affiliation. No later than August 1, 1974, and each two years (2) thereafter, the chairmen of the county central committees of the two political parties having the highest number of registered voters in the county shall each submit a list of ten names to the secretary. Said lists shall contain names of registered voters of the county, who may be members of the county election board, except the secretary, or precinct election boards or counters. The secretary shall be confined to said list in designating membership on the absentee voting board or boards, unless all persons on said lists are ineligible or unwilling to serve. In the event the chairman of the county central committee of a political party fails to submit a list as herein provided, the~~

~~secretary shall appoint membership to said board or boards from the ranks of registered voters of said party within the county.~~

~~Provided further, that in the event the list of names of either or both parties is exhausted and additional absentee voting boards are needed, the secretary shall appoint additional members to said boards from the ranks of said party or parties in the county.~~

~~2.~~ On the Friday, Saturday or Monday preceding the election, ~~said~~ the absentee voting board shall deliver to each registered voter who is confined to a nursing home or convalescent hospital and who requested ballots for an incapacitated voter said ballots and materials as may be necessary to vote same.

~~3.~~ 2. The voter must mark his ballots in the manner hereinbefore provided in the presence of the absentee voting board, but in such a manner as to make it impossible for any person other than the voter to ascertain how said ballots are marked. Insofar as is possible, the voting procedure shall be the same as if the voter were casting his vote in person at a precinct.

~~4.~~ 3. The voter shall then seal said ballots in the plain opaque envelope and shall seal said plain opaque envelope in the envelope bearing an affidavit. The voter must complete said affidavit, and his signature on same must be witnessed by both members of the absentee voting board.

~~5.~~ 4. The envelope bearing an affidavit then must be sealed in the return envelope, which shall be returned by the absentee voting board to the secretary of the county election board on the same day said affidavit was executed.

~~6. Members of an absentee voting board shall be reimbursed for their expenses at the rate of Twenty Dollars (\$20.00) per day. One member of each such board shall also be allowed mileage reimbursement at the rate prescribed for travel by state employees.~~

5. Ballots cast in said manner shall be counted in the same manner as regular mail absentee ballots.

SECTION 3. NEW LAW A new section of law to be codified in the Oklahoma Statutes as Section 14-115.4 of Title 26, unless there is created a duplication in numbering, reads as follows:

A. A registered voter may apply for an in-person absentee ballot during regular office hours at the office of the county election board on Thursday, Friday and Monday immediately preceding any statewide election and on Monday only for all other elections. As part of the application for an in-person absentee ballot such registered voter shall swear or affirm that he or she has not applied for a regular mail absentee ballot and that he or she will not vote at the regular polling place in the election for which the in-person absentee ballot is requested.

B. One or more absentee voting boards shall be on duty during regular office hours in the office of the county election board on Thursday, Friday and Monday immediately preceding any statewide election and on Monday only for all other elections. If the secretary of a county election board receives an application from a registered voter requesting to vote by in-person absentee ballot the secretary shall cause to be implemented the following procedures:

1. An absentee voting board shall provide to each registered voter who applies for an in-person absentee ballot appropriate ballots and materials as may be necessary to vote;

2. The voter must mark his ballots in the manner provided by law in the presence of the absentee voting board, but in such a manner as to make it impossible for any person other than the voter to ascertain how said ballots are marked. Insofar as is possible, the voting procedure shall be the same as if the voter were casting his vote in person at a precinct;

3. The voter shall than seal said ballots in the plain opaque envelope and shall seal said plain opaque envelope in the envelope bearing an affidavit. The voter must complete said affidavit, and

his signature on same must be witnessed by both members of the absentee voting board;

4. The envelope bearing an affidavit then must be sealed in another envelope, which shall be deposited in the locked ballot box provided for regular mail absentee ballots; and

5. Ballots cast in said manner shall be counted in the same manner as regular mail absentee ballots.

SECTION 4. NEW LAW A new section of law to be codified in the Oklahoma Statutes as Section 14-115.5 of Title 26, unless there is created a duplication in numbering, reads as follows:

To carry out the provisions of Section 14-115 of Title 26 of the Oklahoma Statutes and Section 3 of this act, the secretary of the county election board shall designate one or more absentee voting boards, to be composed of two (2) members each, with each member to be of a different political affiliation. No later than August 1, 1974, and each two years (2) thereafter, the chairmen of the county central committees of the two political parties having the highest number of registered voters in the county shall each submit a list of ten names to the secretary. Said lists shall contain names of registered voters of the county, who may be members of the county election board, except the secretary, or precinct election boards or counters. The secretary shall be confined to said list in designating membership on the absentee voting board or boards, unless all persons on said lists are ineligible or unwilling to serve. In the event the chairman of the county central committee of a political party fails to submit a list as herein provided, the secretary shall appoint membership to said board or boards from the ranks of registered voters of said party within the county. Provided further, that in the event the list of names of either or both parties is exhausted and additional absentee voting boards are needed, the secretary shall appoint additional members to said boards from the ranks of said party or parties in the county.

Members of an absentee voting board shall be reimbursed for their expenses at the rate of Thirty Dollars (\$30.00) per day.

SECTION 5. REPEALER Section 10, Chapter 204, O.S.L. 1984 (26 O.S. Supp. 1990, Section 14-113.3), is hereby repealed.

SECTION 6. It being immediately necessary for the preservation of the public peace, health and safety, an emergency is hereby declared to exist, by reason whereof this act shall take effect and be in full force from and after its passage and approval.

43-1-278

MJF