

ENGROSSED HOUSE
BILL NO. 2369

By: Staggs

(elections - amending 26 O.S., Sections 1-102, 1-103, 3-101 and 14-115.4 - in-person absentee voting - effective date - emergency)

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

SECTION 1. AMENDATORY 26 O.S. 1991, Section 1-102, is amended to read as follows:

Section 1-102. A Primary Election shall be held on the ~~fourth Tuesday~~ third Saturday in August of each even-numbered year, at which time each political party recognized by the laws of Oklahoma shall nominate its candidates for the offices to be filled at the next succeeding General Election, unless otherwise provided by law. No candidate's name shall be printed upon the General Election ballot unless said candidate shall have been nominated as herein provided, unless otherwise provided by law; provided further that this provision shall not exclude the right of a nonpartisan candidate to have his name printed upon said General Election ballots. No county, municipality or school district shall schedule an election on any date during the twenty (20) days immediately preceding the date of any such primary election.

SECTION 2. AMENDATORY 26 O.S. 1991, Section 1-103, is amended to read as follows:

Section 1-103. If at any Primary Election no candidate for the nomination for office of any political party receives a majority of

all votes cast for all candidates of such party for said office, no candidate shall be nominated by said party for said office, but the two candidates receiving the highest number of votes at said election shall be placed on the official ballot as candidates for such nomination at a Runoff Primary Election to be held on the ~~third Tuesday~~ second Saturday of September of the same year. No county, municipality or school district shall schedule an election on any date during the twenty (20) days immediately preceding the date of any such Runoff Primary Election.

SECTION 3. AMENDATORY 26 O.S. 1991, Section 3-101, as amended by Section 3, Chapter 247, O.S.L. 1992 (26 O.S. Supp. 1995, Section 3-101), is amended to read as follows:

Section 3-101. A. ~~No~~ Except as otherwise provided by law, no election required to be conducted by any county election board shall be scheduled for a day other than ~~Tuesday~~ Saturday.

B. Except as otherwise provided by law, no special election shall be held by any county, school district, vocational-technical school district, municipality or other entity authorized to call elections except on the second ~~Tuesday~~ Saturday of January, February, May, June, July, August, September, October, November and December and the first ~~Tuesday~~ Saturday in March and April in odd-numbered years and the second ~~Tuesday~~ Saturday of January, February, March, May, June, October and December, the first ~~Tuesday~~ Saturday in April, the ~~fourth Tuesday~~ third Saturday in August, the ~~third Tuesday~~ second Saturday in September and the first Tuesday after the first Monday in November of any even-numbered year.

SECTION 4. AMENDATORY 26 O.S. 1991, Section 14-115.4, as last amended by Section 11, Chapter 316, O.S.L. 1993 (26 O.S. Supp. 1995, Section 14-115.4), is amended to read as follows:

Section 14-115.4 A. A registered voter may apply for an in-person absentee ballot at a location designated by the secretary of the county election board from 9 a.m. to 5 p.m. on ~~Thursday,~~ Friday,

Saturday 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 voted 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 from 9 a.m. to 5 p.m. at the in-person absentee polling place on ~~Thursday,~~ Friday, Saturday 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 sign an in-person absentee voter record, and his signature on such record must be certified by both members of the absentee voting board;

3. 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;

4. The voter shall then deposit the ballot in a voting device designated for in-person absentee voting by the secretary of the county election board;

5. When the in-person polling place is closed on each day of in-person absentee voting the in-person absentee voting board shall, without obtaining a printout of results, remove the vote data pack

from the voting device and seal ballots counted that day in a transfer case which shall be secured by the sheriff of the county in the same manner as provided in Section 8-110 of this title. The vote data pack shall be sealed in a container prescribed by the Secretary of the State Election Board. The sheriff shall secure the sealed vote data pack container and return it to the in-person absentee voting board no later than 8:45 a.m. on the next day of the in-person absentee voting or to the secretary of the county election board at the time of the county election board meeting to count absentee ballots on the Tuesday election day;

6. The vote data pack or packs used for in-person absentee voting shall be used by the county election board to count absentee ballots on election day as provided in Section 14-125 of this title; and

7. If there is a malfunction in such a way that the vote data pack used for in-person absentee voting will not function, the sheriff is authorized to return the transfer cases containing in-person absentee ballots to the county election board to be recounted as provided in Section 7-134.1 of this title.

SECTION 5. AMENDATORY 26 O.S. 1991, Section 4-112, as amended by Section 13, Chapter 260, O.S.L. 1994 (26 O.S. Supp. 1995, Section 4-112), is amended to read as follows:

Section 4-112. The Secretary of the State Election Board shall devise and distribute a registration application to be used for registering voters. Such registration application shall contain the following information: Voter's full name and date of birth, county and place of residence and mailing address; the name of the political party recognized by the laws of the State of Oklahoma with which the voter is affiliated; an oath of the voter's eligibility to become a registered voter; and such other information as may be deemed necessary by the Secretary to identify such voter and to ascertain ~~his or her~~ the eligibility of the voter to be registered.

The application shall include instructions to the applicant that documentation showing proof of the identity and place of residence of the applicant must be attached to any voter registration application submitted. A photocopy of the driver license, state identification card or sworn affidavit by applicant may be used to show proof of identity and place of residence. A voter registration application shall be signed by the applicant in writing. The applicant shall personally subscribe ~~his or her~~ that person's name to or make ~~his or her~~ that person's mark on the application, and no agent, representative or employee of the applicant may sign or mark on the applicant's behalf. The signature or mark must be the original, handwritten signature, autograph or mark of the applicant. No facsimile, reproduction, typewritten or other substitute signature, autograph or mark will be valid. Notwithstanding any law to the contrary, the Secretary of the State Election Board shall prescribe procedures to authorize any person incapable of personally making ~~his~~ that person's mark to complete a voter registration application with assistance of an official of any voter registration agency or motor license agency specified in Sections ~~10~~ 4-109.2 and ~~11~~ 4-109.3 of this ~~act~~ title. Persons not affiliated with any political party recognized by the laws of the State of Oklahoma or who do not indicate a political party on their registration application shall be designated as Independents. The form may request but shall not require the applicant's Oklahoma driver's license number or social security number and a telephone number where the applicant can be contacted during normal business hours. Any person may apply in writing to the Secretary of the State Election Board for permission to print, copy or otherwise prepare and distribute the registration applications designed by the Secretary of the State Election Board. The Secretary may revoke any such permission at any time. All registration applications shall be distributed to the public at no charge. The Secretary also shall

prescribe procedures to accept and use federal registration applications as required by the National Voter Registration Act of 1993.

SECTION 6. This act shall become effective July 1, 1996.

SECTION 7. 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.

Passed the House of Representatives the 28th day of February, 1996.

Speaker of the House of Representatives

Passed the Senate the ____ day of _____, 1996.

President of the Senate