

STATE OF OKLAHOMA

1st Session of the 46th Legislature (1997)

HOUSE BILL NO. 1552

By: Pettigrew

AS INTRODUCED

An Act relating to elections; amending 26 O.S. 1991, Sections 4-112 and 4-116, as amended by Sections 13 and 15, Chapter 260, O.S.L. 1994, 4-117, as last amended by Section 5, Chapter 290, O.S.L. 1995 and 4-118, as amended by Section 17, Chapter 260, O.S.L. 1994 (26 O.S. Supp. 1996, Sections 4-112, 4-116, 4-117 and 4-118), which relate to voter registration; clarifying language; requiring transfer of registration within certain time if voter changes residence; providing procedures for transfer; amending 26 O.S. 1991, Section 7-114, which relates to conduct of elections; requiring voter to provide proof of identity and residence; amending 26 O.S. 1991, Section 14-108, 14-113.2, 14-115, 14-115.1 and 14-115.4, as last amended by Section 11, Chapter 316, O.S.L. 1993 (26 O.S. Supp. 1996, Section 14-115.4), which relate to absentee voting; requiring proof of identity and place of residence with absentee ballots; and providing an effective date.

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

SECTION 1. AMENDATORY 26 O.S. 1991, Section 4-112, as amended by Section 13, Chapter 260, O.S.L. 1994 (26 O.S. Supp. 1996, Section 4-112), is amended to read as follows:

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. 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 2. AMENDATORY 26 O.S. 1991, Section 4-116, as amended by Section 15, Chapter 260, O.S.L. 1994 (26 O.S. Supp. 1996, Section 4-116), is amended to read as follows:

Section 4-116. If a registered voter of a county changes ~~his or her~~ residence to another precinct within the same county, ~~he or she~~ the voter shall ~~be entitled to~~ transfer ~~his or her~~ voter registration in a manner prescribed by the Secretary of the State Election Board, prior to the next election in which the voter intends to vote. The secretary of the county election board shall change the registration information of such registered voter in the Oklahoma Election Management System and shall issue a new voter identification card to the voter. Information given by the voter shall be under oath.

SECTION 3. AMENDATORY 26 O.S. 1991, Section 4-117, as last amended by Section 5, Chapter 290, O.S.L. 1995 (26 O.S. Supp. 1996, Section 4-117), is amended to read as follows:

Section 4-117. If a registered voter of a county has changed name or residence within the same county, ~~and has not executed a transfer as hereinbefore provided~~ during the time period that registration is closed, the voter shall be entitled to a change upon executing an application on a form to be prescribed by the Secretary of the State Election Board and presenting such form along with the

voter identification card to the inspector of the precinct in which the voter ~~is registered~~ now resides or to a member of an in-person absentee voting board of the county in which the voter ~~is registered~~ now resides on the day of the next ensuing election or of in-person absentee voting. Upon doing so, such registered voter shall be permitted to vote on the ballots of such precinct, and only of such precinct, for the election being conducted on that day only. In no event shall the voter continue to vote in a precinct in which the voter does not reside. The inspector or in-person absentee voting board member shall deliver ~~such~~ the form to the secretary of the county election board, who shall change the registration in the manner prescribed by the Secretary of the State Election Board.

SECTION 4. AMENDATORY 26 O.S. 1991, Section 4-118, as amended by Section 17, Chapter 260, O.S.L. 1994 (26 O.S. Supp. 1996, Section 4-118), is amended to read as follows:

Section 4-118. A. Any registered voter who changes ~~his or her~~ residence to another county ~~may~~ shall apply for registration as an initial registrant in such other county, prior to the next election to be held in that county, if the voter wishes to vote in that county. In no event shall the voter continue to vote in a county in which the voter does not reside. If a registered voter of a county has changed residence to another county during the time period that registration is closed, the voter shall be entitled to a transfer upon execution by the voter of an application on a form to be prescribed by the Secretary of the State Election Board and presenting such form along with the voter identification card of the voter to the inspector of the precinct in which the voter now resides on the day of the next ensuing election. Upon doing so, such registered voter shall be permitted to vote in such precinct, and only in such precinct, for the election being conducted on that day.

~~Such~~ B. Any person changing registration pursuant to this section shall indicate ~~his or her~~ prior registration information, including name, residence address and county and political affiliation, as appropriate, on the voter registration application. The secretary of the election board of the second county shall immediately notify the Secretary of the State Election Board of such transaction.

SECTION 5. AMENDATORY 26 O.S. 1991, Section 7-114, is amended to read as follows:

Section 7-114. Each person ~~presenting himself~~ wishing to vote shall announce ~~his~~ that person's name to the judge of the precinct and, if requested by the judge of the precinct, shall provide proof of identity and residence to the judge, whereupon the judge shall determine whether said person's name is in the precinct registry. A photocopy of the driver license or state identification card may be used to show proof of identity and place of residence.

SECTION 6. AMENDATORY 26 O.S. 1991, Section 14-108, is amended to read as follows:

Section 14-108. The voter shall be required to mark ~~his~~ the ballot in ink or other manner as prescribed by the Secretary of the State Election Board; seal the ballots in the plain opaque envelope; fill out completely and sign the affidavit, such signature to be notarized by a notary public; provide proof of identity and residence; seal the plain opaque envelope inside the envelope bearing the affidavit and return both envelopes, sealed inside the return envelope, by United States mail to the county election board. A photocopy of the driver license or state identification card may be used to show proof of identity and place of residence.

SECTION 7. AMENDATORY 26 O.S. 1991, Section 14-113.2, is amended to read as follows:

Section 14-113.2 The voter shall be required to mark ~~his~~ ballots of that voter in ink or other manner as prescribed by the

Secretary of the State Election Board; provide proof of identity and residence; seal the ballots in the plain opaque envelope; fill out completely and sign the affidavit, such signature to be witnessed by two persons whose signature and address shall appear on the affidavit; seal the plain opaque envelope inside the envelope bearing the affidavit and return both envelopes, sealed inside the return envelope, by United States mail to the county election board. A photocopy of the driver license or state identification card may be used to show proof of identity and place of residence.

SECTION 8. AMENDATORY 26 O.S. 1991, 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 of the secretary, the secretary shall cause to be implemented the following procedures:

1. On the Friday, Saturday or Monday preceding the election, 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.

2. The voter must mark ~~his~~ the 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~~ the vote in person at a precinct.

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~~ the signature of the voter on same must be witnessed by both members of the absentee voting board. The voter also must include

proof of identity and residence in the envelope bearing the affidavit. A photocopy of the driver license or state identification card may be used to show proof of identity and place of residence.

4. The envelope bearing ~~an~~ the affidavit and proof of identity and residence 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.

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

SECTION 9. AMENDATORY 26 O.S. 1991, Section 14-115.1, is amended to read as follows:

Section 14-115.1 A registered voter who becomes incapacitated after 5:00 p.m. on Tuesday preceding an election, is unable to vote in person at the appropriate precinct on the day of the election may make a written request for an absentee ballot. The request shall be signed by the voter, or signed by a witness at the voter's direction if the voter is unable to sign his or her name, and shall be transmitted to the secretary of the county election board. The person transmitting said request on behalf of the voter may be anyone of the voter's choosing at least sixteen (16) years of age; provided, said person is not employed by nor related within the third degree of consanguinity or affinity to any person whose name appears on the ballot. The person becomes the voter's agent for purposes of voting by absentee ballot. The voter's request must be accompanied by a sworn statement by a duly licensed physician. Expected or likely confinement for childbirth on election day is sufficient cause to entitle a voter to vote absentee pursuant to this section. The statement must attest to the fact that the voter is in fact unable to vote in person at the appropriate precinct on the day of the election because of a physical incapacity and that

said physical incapacity originated after 5:00 p.m. on Tuesday preceding an election. Upon receipt of the voter's request and accompanying sworn statement, the secretary of the county election board shall issue to the voter's agent the appropriate ballots and envelopes required for voting by incapacitated voters. The ballots and proof of identification and residence must be returned by the agent to the secretary of the county election board no later than 7:00 p.m. on the day of the election. No person may be the agent for more than one voter at any election. Upon return of the absentee ballots, the secretary of the county election board shall cause said ballots to be processed in the same manner as is prescribed for other absentee ballots. A photocopy of the driver license or state identification card may be used to show proof of identity and place of residence.

SECTION 10. 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. 1996, 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 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~~ the voter has not voted a regular mail absentee ballot and that ~~he or she~~ the voter will not vote at the regular polling place in the election for which the in-person absentee ballot is requested. The voter also shall provide proof of identity and residence. A photocopy of the driver license or state identification card may be used to show proof of identity and place of residence.

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 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~~ the signature on such record must be certified by both members of the absentee voting board;

3. The voter must mark ~~his~~ the 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~~ the 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 11. This act shall become effective November 1, 1997.

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