

STATE OF OKLAHOMA

1st Session of the 48th Legislature (2001)

CONFERENCE COMMITTEE
SUBSTITUTE FOR ENGROSSED
HOUSE BILL NO. 1291

By: Roach, Dank, Ferguson,
Ross, Sullivan (John),
Corn, Hilliard, Miller
(Ray), Roan, Wilson,
Blackburn, Braddock,
Deutschendorf, Easley,
Liotta, Sweeden and Turner
of the House

and

Williams of the Senate

CONFERENCE COMMITTEE SUBSTITUTE

An Act relating to elections; amending 26 O.S. 1991, Section 4-120.3, as last amended by Section 6, Chapter 88, O.S.L. 1999 (26 O.S. Supp. 2000, Section 4-120.3), which relates to cancellation of registrations; modifying procedure for cancellation of the registration of deceased voter; amending 26 O.S. 1991, Sections 7-119 and 7-127, which relate to conduct of elections; eliminating straight-party voting; amending 26 O.S. 1991, Sections 14-114, 14-115 and 14-115.5, as last amended by Section 4, Chapter 315, O.S.L. 1995 (26 O.S. Supp. 2000, Section 14-115.5), which relate to absentee voting; providing voting procedure for persons residing in assisted living centers; providing travel reimbursement for certain member of absentee voting board; amending 26 O.S. 1991, Section 20-101, which relates to the Presidential Preference Primary; requiring written requests by certain persons for Presidential Preference Primary; providing exclusions from Presidential Preference Primary; providing circumstances for not holding a Presidential Preference Primary; and providing an effective date.

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

SECTION 1. AMENDATORY 26 O.S. 1991, Section 4-120.3, as last amended by Section 6, Chapter 88, O.S.L. 1999 (26 O.S. Supp. 2000, Section 4-120.3), is amended to read as follows:

Section 4-120.3 A. The State Health Department shall each month transmit to the Secretary of the State Election Board a

certified list of all deaths of residents that have occurred within the state for the immediately preceding month. The Secretary of the State Election Board shall transmit said list to the secretary of the county election board who shall then use said list to ascertain those voters who are deceased, and shall thereafter remove such deceased person's name from the central registry and the Oklahoma Election Management System. Said list shall be used only for the purposes hereinbefore described.

B. In addition, the registration of a deceased voter may be canceled by the secretary of a county election board upon the execution by ~~the next of kin~~ a relative of said deceased voter of a form and upon the nature of proof of the fact thereof as prescribed by the Secretary of the State Election Board. Said form must be executed in person by ~~said next of kin~~ the relative at the county election board office, in which case it shall be witnessed by the secretary or other designated employees, at the voter's precinct polling place on the day of any election, in which case it shall be witnessed by the inspector of said precinct, or the form may be personally signed by the ~~next of kin~~ relative, such signature to be notarized by a notary public, and returned to the county election board.

C. In addition, the registration of a deceased voter may be canceled by the secretary of a county election board upon the execution by any person of a form prescribed by the Secretary of the State Election Board and submission of the death certificate and any other information required by the Secretary of the State Election Board. The form must be executed in person by the person at the county election board office, in which case it shall be witnessed by the secretary or other designated employees, or the form may be personally signed by the person, such signature to be notarized by a notary public, and returned to the county election board.

SECTION 2. AMENDATORY 26 O.S. 1991, Section 7-119, is amended to read as follows:

Section 7-119. The voter shall vote by marking the ballot as prescribed by the Secretary of the State Election Board ~~for the party of his choice or~~ for the voter's choice of candidates ~~of his choice~~ or for the answer ~~he~~ the voter desires to select on each question.

SECTION 3. AMENDATORY 26 O.S. 1991, Section 7-127, is amended to read as follows:

Section 7-127. The following rules shall govern the counting and recounting of votes:

1. If the name of any person is written on a ballot, said name shall not be counted;

2. Any mark prescribed by the Secretary of the State Election Board made by voters indicating the voter's choice of ~~party,~~ candidate or issue on a ballot shall be valid. Such marking shall be hereinafter referred to as "valid markings". Such valid markings located otherwise on the ballot shall not be counted;

3. Marks used to designate the intention of the voter, other than those herein defined as valid markings, shall not be counted;

4. Failure to properly mark a ballot as to one or more candidates or questions shall not of itself invalidate the entire ballot if the same has been properly marked as to other candidates or questions; and

5. ~~A valid marking marked for a political party shall be counted as a vote for each of said political party's candidates on that ballot, except that a valid marking marked for a candidate's name shall take precedence, for that office, over a valid marking for a political party. Provided, further, that if valid markings are marked for more than one political party on a ballot, said ballot shall not be counted for any party offices thereon; and~~

~~6.~~ Any ballot or part of a ballot on which it is impossible to determine the voter's choice of candidate shall be void as to the candidate or candidates thereby affected.

SECTION 4. AMENDATORY 26 O.S. 1991, Section 14-114, is amended to read as follows:

Section 14-114. If the secretary of a county election board receives such a request from an incapacitated elector confined to a nursing home ~~or~~, convalescent hospital, or assisted living center, as defined in Section 1-890.2 of Title 63 of the Oklahoma Statutes, outside the county of his jurisdiction, the secretary shall provide ballots and materials in the manner hereinbefore prescribed.

SECTION 5. 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, or assisted living center, as defined in Section 1-890.2 of Title 63 of the Oklahoma Statutes, within the county of ~~his~~ the secretary's jurisdiction, 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, or assisted living center 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 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 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 6. AMENDATORY 26 O.S. 1991, Section 14-115.5, as last amended by Section 4, Chapter 315, O.S.L. 1995 (26 O.S. Supp. 2000, Section 14-115.5), is amended to read as follows:

Section 14-115.5 To carry out the provisions of Section 14-115 of this title and Section 14-115.4 of this title, 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 in each even-numbered year, the ~~chairmen~~ chairs 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~~ chair 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 Forty Dollars (40.00) per day. One member of each such board serving a nursing home ~~or~~, convalescent hospital, or assisted living center shall be allowed mileage reimbursement at the rate prescribed for travel by state employees according to the State Travel Reimbursement Act, Section 500.1 et seq. of Title 74 of the Oklahoma Statutes.

SECTION 7. AMENDATORY 26 O.S. 1991, Section 20-101, is amended to read as follows:

Section 20-101. A. A Presidential Preferential Primary for one or more recognized political parties shall be held on the second Tuesday in March, 1988, and on the same weekday in each of the years ~~thereafter~~ in which the President and Vice President of the United States are to be elected, if requested by one or more recognized political parties.

B. ~~If one or more states having a mutual boundary with this state establish a single date for a regional primary, the State Election Board is authorized to change the date of the Oklahoma primary to the date established for the regional primary.~~ Any recognized political party wishing to hold a Presidential Preference Primary shall file a written notification, signed by the Chief Executive Officer or Chair of the state party and at least one member of the state party's executive committee, by February 1 of the year prior to the presidential election with the Secretary of the State Election Board, requesting that a Presidential Preferential Primary be held for the party.

C. Recognized political parties that have not requested a Presidential Preferential Primary shall not be included in the Presidential Preferential Primary. A Presidential Preferential

Primary shall not be held if no recognized political party requests a Presidential Preferential Primary.

D. No county, municipality, school district or other entity authorized by law to call elections shall schedule an election on any date during the twenty (20) days immediately preceding the date of any such Primary Election. However, this subsection shall not apply to home rule municipalities.

SECTION 8. This act shall become effective November 1, 2001.

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