

STATE OF OKLAHOMA

2nd Session of the 48th Legislature (2002)

COMMITTEE SUBSTITUTE  
FOR  
HOUSE BILL NO. 2772

By: Tibbs and Perry

COMMITTEE SUBSTITUTE

An Act relating to elections; amending 26 O.S. 2001, Sections 7-114, 7-116 and 14-115.4, which relate to voting; requiring presentment of proof of identity when voting; providing exception; providing for proof of identity; allowing persons without proof of identity to vote and providing procedure therefor; providing penalty for false statements; modifying requirements for voting if name of voter is not on precinct registry; and providing an effective date.

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

SECTION 1. AMENDATORY 26 O.S. 2001, Section 7-114, is amended to read as follows:

Section 7-114. A. Each person ~~presenting himself~~ arriving to vote shall announce ~~his~~ the person's name to the judge of the precinct and shall provide proof of identity to the judge, whereupon the judge shall determine whether said person's name is in the precinct registry. A document, containing a photograph of the voter, issued by the state, the federal government, a county, a municipality, a federally recognized Indian tribe, or an employer of the voter may be used to show proof of identity. The provisions of this section requiring a person to produce a document containing a photograph of the voter shall not apply to persons that have a physical disability.

B. 1. If a person is unable to produce any of the items of identification provided for in subsection A of this section, the person may sign a statement under oath in a form approved by the Secretary of the State Election Board, swearing or affirming that

the person is the person identified on the precinct registry, and shall be allowed to vote.

2. False swearing or affirming under oath shall be punishable as a felony and the penalty shall be distinctly set forth on the face of the statement.

3. Any vote cast pursuant to this subsection, shall be deposited in an envelope designated for such purpose and shall be stored in accordance with procedures established by the Secretary of the State Election Board.

SECTION 2. AMENDATORY 26 O.S. 2001, Section 7-116, is amended to read as follows:

Section 7-116. A. If the precinct registry does not contain a voter's name, or if a precinct official should deny the voter the right to vote, said voter shall be allowed to vote only if the voter presents and surrenders a voter identification card showing the voter to be a registered voter of the precinct to the judge, provides proof of identity, completes a voter registration application for a residence address within the county and signs an affidavit swearing or affirming that the voter is currently registered and eligible to vote in said precinct and that the voter has not cast an absentee ballot for said election.

B. If a person alleges to an election official in the county of the person's residence on a day of regular or in-person absentee voting that the person applied to become a registered voter twenty-five (25) days or more prior to the election, the person shall be allowed to vote a ballot for the precinct of the person's residence if:

1. The county election board secretary of the person's county of residence confirms that a valid application for the person is on file at the county election board office and the application became valid twenty-five (25) days or more prior to the election; ~~and~~

2. The person signs an affidavit swearing or affirming that the person applied to become a registered voter of the precinct of the person's residence twenty-five (25) days or more prior to the election; and

3. As used in this section, "proof of identity" means any type of identification authorized in Section 7-114 of this title.

SECTION 3. AMENDATORY 26 O.S. 2001, 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 election. 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. The voter also shall provide proof of identity, as provided in subsection A of Section 7-114 of this title. If the person is unable to produce proof of identity, the person shall be allowed to vote pursuant to subsection B of Section 7-114 of this title. Any person falsely swearing or affirming such statement shall be subject to the penalty provided in subsection B of Section 7-114 of this title.

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 election. 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 4. This act shall become effective October 1, 2002.

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