

STATE OF OKLAHOMA

2nd Session of the 48th Legislature (2002)

COMMITTEE SUBSTITUTE
FOR ENGROSSED
SENATE BILL NO. 1350

By: Dickerson of the Senate

and

Askins of the House

COMMITTEE SUBSTITUTE

(Elections - amending 11 O.S., Section 16-307 - town
meetings - amending 18 sections in Title 26 - county
election board secretaries - absentee ballots -
schools - codification - effective dates -
emergency)

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

SECTION 1. AMENDATORY 11 O.S. 2001, Section 16-307, is
amended to read as follows:

Section 16-307. A. The presiding officer at a town meeting shall follow reasonable and necessary procedures to ensure that persons who are not registered voters of the town do not vote. Registered voters shall be seated in a clearly marked area separate from persons not registered to vote.

B. To be eligible to vote at a town meeting, a person must be registered with the county election board at an address located within the municipality. Before being seated in the section reserved for registered voters, each voter shall sign his or her name in a town meeting pollbook, said signature to constitute a sworn affidavit on the part of the voter that he or she is eligible to vote at the election. The pollbook shall be prepared by the municipal clerk and shall be substantially the same form as the

~~pollbook prescribed by the State Election Board for school district elections.~~ For such purpose, the municipal clerk or designee of the municipal clerk shall be authorized to administer the oath or affirmation contained in the affidavit. The town meeting pollbook shall be on file in the office of the municipal clerk and shall be open to public inspection during reasonable office hours; provided, however, that such town meeting pollbooks may be destroyed by the municipal clerk at the end of six (6) months from the date of the election wherein such town meeting pollbook was used. Any person knowingly voting illegally or found guilty of casting more than one vote for any office or on any question considered at the meeting shall be punished by a fine of not more than One Thousand Dollars (\$1,000.00) or by imprisonment in the county jail for not to exceed thirty (30) days or both such fine and imprisonment.

SECTION 2. AMENDATORY 26 O.S. 2001, Section 2-118, is amended to read as follows:

Section 2-118. A. The secretary of each county election board shall be paid an annual salary according to the following schedule. However, the salary of ~~a~~ an incumbent county election board secretary who is appointed to a new two-year term to begin May 1, 2003, shall not fall below the level of the ~~July 1, 2001~~ June 30, 2002, salary, regardless of the number of registered voters, excluding inactive, in the county and provided that no salary shall be increased to the secretary of any county election board while that county is under the administrative supervision of the Secretary of the State Election Board:

Beginning October 1, 2000, the annual salary, payable monthly shall be:

Registered Voters	Salary
0 to 10,000	\$20,188.28
10,001 to 15,000	\$20,988.28
15,001 to 17,500	\$24,152.45

17,501 to 25,000	\$27,328.93
25,001 to 50,000	\$33,046.94
50,001 to 75,000	\$42,374.66
75,001 to 150,000	\$47,811.26
150,001 or more	\$53,243.00

B. The salary and fringe benefits paid to each secretary shall be paid from county funds on a monthly basis and shall be reimbursed from funds appropriated by the Legislature for that purpose at a rate of not to exceed one hundred thirty-five percent (135%) of the above-specified salaries. Claims for said reimbursement shall be filed according to procedures prescribed by the Secretary of the State Election Board and approved by the Director of State Finance. Said claims for reimbursement shall only be paid for actual expenditures made by the county. The number of registered voters, for the purposes of this section, shall be determined by the number of registered voters, excluding inactive voters, in the county on January 1, 1979, and every two (2) years thereafter.

SECTION 3. AMENDATORY 26 O.S. 2001, Section 4-101, is amended to read as follows:

Section 4-101. Every person who is a qualified elector as defined by Section 1 of Article III of the Oklahoma Constitution shall be entitled to become a registered voter in the precinct of his residence, with the following exceptions:

1. Persons convicted of a felony shall be ineligible to register for a period of time equal to the time prescribed in the judgment and sentence, ~~when such convictions have become final.~~

2. Any person who has been adjudged to be an incapacitated person as such term is defined by Section 1-111 of Title 30 of the Oklahoma Statutes, shall be ineligible to register to vote. When such incapacitated person has been adjudged to be no longer incapacitated such person shall be eligible to become a registered voter. The provisions of this paragraph shall not prohibit any

person adjudged to be a partially incapacitated person as such term is defined by Section 1-111 of Title 30 of the Oklahoma Statutes from being eligible to register to vote unless the order adjudging the person to be partially incapacitated restricts such persons from being eligible to register to vote.

SECTION 4. AMENDATORY 26 O.S. 2001, Section 4-112, is amended to read as follows:

Section 4-112. A. 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 pursuant to the provisions of subsection B of this section; the names of political parties recognized by the laws of the State of Oklahoma with which the voter may be affiliated; the last four digits of the voter's social security number; 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 eligibility. A voter registration application shall be signed by the applicant in writing. The applicant shall personally subscribe his or her name to or make his or her 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~~ a mark to complete a voter registration application with assistance of an official of any voter registration agency or motor license agency specified in Sections 4-109.2 and 4-109.3 of this title. Persons who do not indicate a

recognized political party or political organization on their registration application shall be designated as Independents. 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.

B. Applicants for voter registration or who seek to alter or change their voter registration in any way shall provide a residence address and, if different from the residence address, a mailing address. A residence address shall include the street address of the residence, including a full house number, street name or number, apartment or suite number, if applicable, and zip code. If a street address is not available for the residence, applicants shall provide such information as the State Election Board deems necessary for voter registration purposes. A post office box may not be given as a residence address. A mailing address, which shall include the city and zip code, may be the actual emergency notification or 911 address on file in the local community, a rural route and box number, a post office box number or a street address.

SECTION 5. NEW LAW A new section of law to be codified in the Oklahoma Statutes as Section 4-115.2 of Title 26, unless there is created a duplication in numbering, reads as follows:

The Secretary of the State Election Board is authorized to promulgate rules to keep confidential the residence and mailing address, upon application to do so, of individual registered voters who are members of certain classes. These classes shall be limited to the judiciary, district attorneys, assistant district attorneys,

law enforcement personnel, correctional officers and persons who are covered by victim's protection orders. Such address information shall be provided to any person as part of a contest of candidacy or contest of an election as provided for in Title 26 of the Oklahoma Statutes or as part of a challenge to a petition challenge as provided by law.

SECTION 6. AMENDATORY 26 O.S. 2001, Section 4-120.4, is amended to read as follows:

Section 4-120.4 A. ~~The Department of Corrections shall transmit each month a list of all persons convicted of felonies, which convictions have become final, and deliver said list to the Secretary of the State Election Board.~~ The Secretary of the State Election Board shall accept written notice from the United States Attorney of persons convicted of felonies in a district court of the United States, ~~which convictions have become final.~~ The Secretary of the State Election Board shall ~~transmit said list and notice to~~ cause the voter registrations of persons listed in the written notice to be cancelled in the county of the person's residence and shall notify the secretary of each the appropriate county election board who shall cancel the registrations of all registered voters included on said list and notice, and such persons shall be ineligible for registration for a period of time equal to the time prescribed in the judgment and sentence of the cancellation.

B. The court clerk in each county shall ~~forward a copy of each journal entry of judgment and sentence for each person convicted in the county of a felony to the secretary of the county election board within forty-five (45) days after the journal entry is filed~~ prepare a list monthly of all persons convicted in the county of a felony and shall transmit the list to the secretary of the county election board. The list shall include information necessary to identify a person on the list as a registered voter prescribed by the Secretary of the State Election Board. The secretary shall cancel the

registration of ~~all~~ registered voters in the county included on the ~~journal entries~~ list and ~~the registered voters shall be ineligible for registration for a period of time equal to the time prescribed in the journal entry.~~ The secretary of the county election board shall forward the names of any persons on the list who are not residents of the county to the Secretary of the State Election Board. The Secretary of the State Election Board shall cause the voter registrations of persons from a list who are forwarded to the Secretary to be cancelled in the county of the person's residence.

C. The Secretary of the State Election Board, secretaries of county election boards, and their agents and employees shall not be held civilly liable for any action taken based upon information concerning felony convictions received from a United States Attorney or a county clerk pursuant to subsections A and B of this section if a reasonable effort was made to make an accurate match of the information provided with voter registration records before canceling any voter's registration.

SECTION 7. AMENDATORY 26 O.S. 2001, Section 5-112, is amended to read as follows:

Section 5-112. A. A declaration of candidacy must be accompanied by a petition supporting a candidate's filing signed by five percent (5%) of the registered voters eligible to vote for a candidate in the first election wherein the candidate's name could appear on the ballot, as reflected by the latest January 15 registration report; or by a cashier's check or certified check in the amount of Two Hundred Dollars (\$200.00) for candidates filing with the Secretary of the State Election Board or the secretary of a county election board; provided, however, such cashier's check or certified check shall be in the amount of One Thousand Five Hundred Dollars (\$1,500.00) for candidates for Governor, One Thousand Dollars (\$1,000.00) for candidates for United States Senator and Seven Hundred Fifty Dollars (\$750.00) for candidates for the United

States Congress, and Five Hundred Dollars (\$500.00) for candidates for Lieutenant Governor, Corporation Commission, Attorney General, State Auditor and Inspector, State Superintendent of Public Instruction, State Treasurer, Commissioner of Insurance and Commissioner of Labor.

B. A filing fee received by the Secretary of the State Election Board shall be deposited in the State Election Board Revolving Fund created pursuant to Section 3-107 of this title. A filing fee received by a secretary of a county election board shall be deposited in the County Election Board Special Depository Account authorized by Section 3-108 of this title.

SECTION 8. AMENDATORY 26 O.S. 2001, Section 5-113, is amended to read as follows:

Section 5-113. ~~Said check~~ A. A candidate's filing fee shall be forfeited to the election board with which it was filed ~~and proceeds therefrom shall be deposited in the State Election Board Revolving Fund if the Declaration of Candidacy was filed with the Secretary of the State Election Board, or shall be deposited in the County Election Board Special Depository Account if the Declaration of Candidacy was filed with the secretary of the county election board~~ unless the candidate is unopposed in the Primary Election, becomes a candidate in the Runoff Primary Election or receives more than fifteen percent (15%) of the votes cast for the office for which he is a candidate at the first election wherein his name appears on a ballot, in which case ~~said check~~ the full amount of the candidate's filing fee shall be returned to the candidate immediately.

B. Upon becoming eligible for a filing fee refund, a candidate shall provide to the secretary of the election board who received the filing fee any additional information needed to process the refund. Any candidate who fails to provide the additional information within six (6) months of becoming eligible for a filing

fee refund shall forfeit the refund to the appropriate election board.

SECTION 9. AMENDATORY 26 O.S. 2001, Section 6-103, is amended to read as follows:

Section 6-103. The State Election Board shall cause ballots to be printed for statewide Primary, Runoff Primary, General Elections and Special Elections at such time as to insure delivery of ~~said~~ the ballots to the several county election boards for distribution to the several precinct election boards prior to election day. ~~Said~~ The board shall cause ballots to be printed for the following offices: Electors for President and Vice President; United States Senators; United States Representatives; state officers; Justices of the Supreme Court; Judges of the Court of Criminal Appeals; Judges of the Court of Appeals; district judges and associate district judges; State Senators; State Representatives; district attorneys; county officers, and such other officers as required by law, in the order ~~they appear in the statutes~~ prescribed by the Secretary of the State Election Board, and shall cause ballots to be printed for state questions.

SECTION 10. AMENDATORY 26 O.S. 2001, Section 6-120, is amended to read as follows:

Section 6-120. The State Election Board is authorized to contract with the Department of Central Services for all ballots required by the State Election Board. If ballots are not printed by the Department of Central Services, the State Election Board and each county election board, for required ballot printing, shall cause advertisement for bids for printing of all ballots to be made, and shall provide specifications and copy for ~~said~~ the ballots. A contract for printing ~~said~~ the ballots shall be awarded to the lowest and best bidder or to the bidder evaluated as "best value" in accordance with the Oklahoma Central Purchasing Act. The successful bidder shall be required to ~~post a bond of double the amount of the~~

~~cost of the most expensive ballots for any election covered by the bid, said bond taken in the name of the state or county, as the case may be, and conditioned upon the faithful performance of said contract~~ provide a copy of the bidder's certificate of insurance to the State Purchasing Director or the county purchasing agent, as the case may be, in an amount as specified by the State Purchasing Director or county purchasing agent at the time of contract award to ensure proper and prompt completion of the work in accordance with the provisions of the contract and bidding documents. The successful bidder shall provide proof of insurance coverage for the duration of the contract.

SECTION 11. AMENDATORY 26 O.S. 2001, Section 8-111, is amended to read as follows:

Section 8-111. A. In the event a candidate or individual authorized to request a recount requests a recount of the ballots cast in an election, it must set forth in the petition the precincts and absentee ballots which are to be recounted. Said petition must be accompanied by either a cashier's check or certified check in the amount of Six Hundred Dollars (\$600.00) for each county affected by the petition. The candidate or individual may indicate in the petition requesting the recount that said candidate or individual desires to have the ballots recounted manually. Failure by the candidate or individual to state such preference for a manual recount in the petition shall result in a recount by electronic voting devices. If the candidate or individual requests that the ballots be recounted manually, the petition must be accompanied by a cashier's check or certified check in the amount of Six Hundred Dollars (\$600.00) for the first three thousand (3,000) ballots and Six Hundred Dollars (\$600.00) for each additional six thousand (6,000) ballots or fraction thereof, to be recounted for each county affected. If the petition for a manual recount is filed with the State Election Board, the petition must be accompanied by a

cashier's check in the amount of Three Hundred Dollars (\$300.00) in addition to the amount required above. When such petition is properly filed, it shall be the duty of the secretary of the appropriate election board to order said recount to begin not less than three (3) nor more than ten (10) days from the date of filing of said petition. In elections involving candidates, it shall be the duty of such contestant to cause to be served upon the opposing candidate or candidates, and directly affected by said contest, a true copy of said petition and a true copy of said order. Service shall be made in person where possible, within twenty-four (24) hours after the filing of said original petition of contest. Service shall be made by the sheriff of the county as to all offices, except that of sheriff, in which case the same shall be served by the county clerk and the certificate of returns of such sheriff or county clerk, showing the inability to make such service within the above-mentioned time, shall be deemed sufficient proof of the absence of such candidate, or candidates, or the inability to serve such notice upon the candidate, and to justify the constructive service hereafter provided. Where personal service is impossible, within said time, it is hereby made the duty of said contestant to serve said true copies upon the secretary of the appropriate election board. Provided that for the purpose of such constructive service, the secretaries of the county election boards are hereby made and constituted the service agents for all contests of elections filed in accordance herewith. By filing declaration of candidacy for election, a candidate shall thereby be conclusively presumed to have accepted the terms and provisions hereof and specifically the aforesaid constructive service. When constructive service becomes necessary, said constructive service shall be made at the date, time and place of said hearing.

B. For elections on issues or questions when no candidate is involved and a majority is required for approval, recounts shall be authorized only when:

1. The margin of votes between those for and those against the issue is one hundred fifty (150) or less when fifteen thousand (15,000) or more total votes are counted for and against the issue or question; or

2. The margin of votes between those for and those against the issue is one percent (1%) or less of the total number of votes cast on the issue when fourteen thousand nine hundred ninety-nine (14,999) or fewer total votes are cast for and against the issue or question.

Provided, furthermore, that a recount is authorized only after an individual, who is a registered voter and who participated in the election, presents to the appropriate county election board a petition signed by one hundred fifty (150) registered voters who participated in the election when fifteen thousand (15,000) or more total votes are counted for and against the question, or if fourteen thousand nine hundred ninety-nine (14,999) or fewer votes are cast for and against the issue, by a number of registered voters who participated in the election equal to one percent (1%) or more of the total votes cast for and against the issue.

C. For elections on issues or questions when no candidate is involved and more than a majority is required for approval, recounts shall be authorized only when:

1. The margin of votes between those for the issue and the number required for approval is one hundred fifty (150) or less when fifteen thousand (15,000) or more total votes are counted for and against the issue or question; or

2. The margin of votes between those for the issue and the number required for approval is one percent (1%) or less of the total number of votes cast on the issue when fourteen thousand nine

hundred ninety-nine (14,999) or fewer total votes are cast for and against the issue or question.

Provided, furthermore, that a recount is authorized only after an individual, who is a registered voter and who participated in the election, presents to the appropriate county election board a petition signed by one hundred fifty (150) registered voters who participated in the election when fifteen thousand (15,000) or more total votes are counted for and against the question, or if fourteen thousand nine hundred ninety-nine (14,999) or fewer votes are cast for and against the issue, by a number of registered voters who participated in the election equal to one percent (1%) or more of the total votes cast for and against the issue.

D. Within twenty-four (24) hours after a petition required in subsections B and C of this section is filed, not counting Saturday, Sunday or legal holidays, the Secretary of the State Election Board who received the petition shall determine, pursuant to rules promulgated by the Secretary of the State Election Board, if the petition contains a sufficient number of valid signatures of registered voters who participated in the election.

E. Recounts of issue or question elections shall not be permitted of any statewide election.

SECTION 12. AMENDATORY 26 O.S. 2001, Section 12-111, is amended to read as follows:

Section 12-111. A. Whenever a vacancy shall occur in the office of a county commissioner, the vacancy shall be filled at a special election to be called by the Governor within thirty (30) days after the vacancy occurs. Provided, no special election shall be called if the vacancy occurs after March 1 of any even-numbered year if the term of the office expires the following year. In such case, the candidate elected to the office at the Primary Election, runoff Primary Election, or the regular General Election shall be

appointed by the Governor as soon as practical after the applicable election to fill the unexpired term.

B. Whenever a vacancy shall occur in any elective county office of any county in this state having a population of more than ~~five hundred and fifty thousand (550,000), according to the latest Federal Decennial Census~~ the population figure specified in subsection B of Section 10 of Title 51 of the Oklahoma Statutes, the vacancy shall be filled at a special election to be called by the Governor within thirty (30) days after the vacancy occurs. Provided, no special election shall be called if the vacancy occurs after March 1 of any even-numbered year if the term of the office expires the following year. In such case, the candidate elected to the office at the Primary Election, runoff Primary Election, or the regular General Election shall be appointed by the Governor as soon as practical after the applicable election to fill the unexpired term.

SECTION 13. AMENDATORY 26 O.S. 2001, Section 13A-101, is amended to read as follows:

Section 13A-101. A. Except as otherwise provided by law, the general election laws shall apply to all elections for school districts and technology center school districts. When it is impossible or impractical to apply the general election laws for school districts and technology center school districts, the Secretary of the State Election Board shall prescribe procedures consistent with the purposes of the general election laws.

~~B. The Secretary of the State Election Board may allow certain precincts to be closed during school district and technology center school district elections upon request of the secretary of the county election board or upon request of the board of education of a school district.~~

~~C. Except as otherwise provided in this section, upon request of the board of education of any school district, or of the board of~~

~~education of any technology center school district, or both if an election in the precinct is affected by both, the secretary of a county election board shall combine the voter registration records of any precinct, not split by two or more school districts in which elections are being held or by two or more school board districts in school districts of ten thousand (10,000) or more average daily membership, with those of an adjacent precinct within the school district for any school election, provided that the voter registration records of no more than three precincts may be combined in one precinct. No voter registration records may be moved if another entity, other than a public school or vocational-technical school district, is holding an election in the precinct on the same day. No voter registration records may be moved across county lines.~~

~~D. School districts and technology center school districts shall share polling places where the districts overlap if the districts hold elections on the same day.~~

~~E. At least ten (10) days prior to a school election, the superintendent for each board of education for a district in which voter registration information has been combined shall publish a notice and issue a news release of the polling place locations for that election in a newspaper of general circulation in each county where voter registration information was combined. Said notice shall list the name and location of the combined polling places, and which precinct will conduct the voting. Said notice shall include information about options for absentee and in-person absentee voting. Ten (10) days prior to the election, the county election board shall post a notice on the door of each polling place from which voter registration information is being moved. Said notice shall list the name and location of the combined polling places, and which precinct will conduct the voting. Said notice shall also be posted at each affected county election board stating that such~~

~~polling place will not be open and explaining options for mail and in-person absentee voting~~ All precincts totally or partially contained within the boundaries of a school district or a technology center school district shall be open for all elections held by such school district or technology center school district except as otherwise provided in this section. A school district or technology center school district may authorize any precinct which is only partially located within the boundaries of the district not to be opened by certifying to the county election board in the resolution calling for an election that no persons reside within that portion of the precinct contained within the boundaries of the district.

C. The Secretary of the State Election Board is authorized to promulgate rules setting forth procedures to allow the board of education of a school district or career technology school district to request that a precinct only partially located within the district's boundaries, and in which there are one hundred (100) registered voters or less in the portion of the precinct located within the district, not to be opened. The procedures shall ensure that any registered voters affected are notified of the precinct closing and of other voting options.

SECTION 14. AMENDATORY 26 O.S. 2001, Section 13A-108, is amended to read as follows:

Section 13A-108. The State Department of Education shall provide the ~~county election board with maps showing~~ State Election Board with information concerning the boundary lines of school districts within ~~the counties~~ the state. ~~If the county election board provides the State Department of Education with maps of precincts within the county, then the State Department of Education shall designate school district boundaries on those maps. Maps shall be provided to the county election board no later than ten (10) days following delivery of the resolution calling for the election to the secretary of the county election board. If the~~

~~secretary of the county election board already is in possession of accurate maps, the person responsible for providing the maps shall acknowledge that fact in writing, and it shall not be necessary to furnish additional maps~~ The State Election Board shall provide the county election boards with maps of each county and of individual precincts within each county showing the boundary lines of school districts and with software for the Oklahoma Election Management System capable of assigning addresses within the county to the appropriate school district.

SECTION 15. AMENDATORY 26 O.S. 2001, Section 14-113.2, is amended to read as follows:

Section 14-113.2 A. The voter shall be responsible for marking the ballots or directing a person chosen by the voter to mark the ballots in accordance with the provisions of Section 7-123.3 of this title and 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 or direct a person chosen by the voter to sign the affidavit, such signature to be witnessed by two persons, who did not sign the affidavit, 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.

B. No person, except members of absentee voting boards, shall witness the signature of more than fifty affidavits of persons who swear they are physically incapacitated and unable to vote in person at their precinct on election day.

SECTION 16. AMENDATORY 26 O.S. 2001, 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 facility, as defined in

Section 1-1902 of Title 63 of the Oklahoma Statutes, outside the county of ~~his~~ jurisdiction of the secretary, the secretary shall provide ballots and materials by mail in the manner hereinbefore prescribed.

SECTION 17. AMENDATORY 26 O.S. 2001, 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~~ facility, as defined in Section 1-1902 of Title 63 of the Oklahoma Statutes, within the county of ~~his~~ the 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~~ facility, as defined in Section 1-1902 of Title 63 of the Oklahoma Statutes, 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~~ a 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.

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 18. 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~~ 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.

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~~ the voter's signature on such record must be certified by both members of the absentee voting board, except that the secretary of the county election board and one other member of the absentee voting board may certify the signature of another member of the absentee voting board;

3. The voter must mark ~~his~~ the voter's 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 voter's 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 19. AMENDATORY 26 O.S. 2001, Section 14-121, is amended to read as follows:

Section 14-121. Any person eligible to register, who has been honorably discharged or is on officially authorized leave from the Armed Forces of the United States, or who has been terminated in ~~his~~ ~~or her~~ such service or employment overseas, or who is the spouse or dependent of a person who has been honorably discharged, is on authorized leave from the Armed Forces of the United States or who has been terminated in such service or employment overseas, and returned home too late to register at the time when, and at the place where, registration is required, to vote at the next ensuing election, shall be entitled to vote a ballot at such election in the precinct for which ~~he or she~~ the person is a qualified elector without being registered. Such person shall be entitled to vote upon satisfying the precinct inspector or in-person absentee voting board member that ~~he or she~~ the person is entitled to vote at such election and completing a voter registration application for an address within the precinct.

SECTION 20. AMENDATORY 26 O.S. 2001, Section 14-121.1, is amended to read as follows:

Section 14-121.1 A registered voter whose application is on file and who lost or did not receive absentee ballots may apply for a second set of absentee ballots if more than seven (7) days have passed since the ballots were transmitted to the voter by the county election board. To receive a second set of ballots, the voter must swear or affirm that ~~he~~ the voter lost or did not receive the original set of ballots for that election and that ~~he~~ the voter will vote only one set of ballots. The Secretary of the State Election Board shall prescribe a form to be used for such application, although any written application setting forth substantially the same facts shall be valid. The written application for replacement ballots shall be personally signed by the voter and acknowledged before a notary public or witnessed as required on the affidavit for return of the original absentee ballots, and may be transmitted to

the county election board in person by the voter, by United States mail or by an agent designated by the voter. The person transmitting such application 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 or related within the third degree of consanguinity or affinity to any person whose name appears on the ballot. No person may be the agent for more than one voter at any election. Such second ballot set shall be transmitted by the voter to the county election board in the same manner as provided in the original set.

SECTION 21. NEW LAW A new section of law to be codified in the Oklahoma Statutes as Section 16-123.1 of Title 26, unless there is created a duplication in numbering, reads as follows:

Any person, except members of absentee voting boards, who witnesses the signature of more than fifty affidavits of persons who swear they are physically incapacitated and unable to vote in person at their precinct on election day shall, upon conviction, be deemed guilty of a misdemeanor.

SECTION 22. Sections 3 and 6 of this act shall become effective July 1, 2003.

SECTION 23. Sections 1, 2, 4, 5, and 7 through 21 of this act shall become effective July 1, 2002.

SECTION 24. 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.

48-2-9163 SCE 6/12/15