

STATE OF OKLAHOMA

1st Session of the 49th Legislature (2003)

2ND CONFERENCE COMMITTEE  
SUBSTITUTE  
FOR ENGROSSED  
HOUSE BILL NO. 1412

By: Pettigrew of the House

and

Reynolds of the Senate

2ND CONFERENCE COMMITTEE SUBSTITUTE

An Act relating to elections; prohibiting certain acts; amending 26 O.S. 2001, Section 12-108, which relates to dates for certain special elections; adding Special Runoff Primary Elections for special elections for certain offices; amending 26 O.S. 2001, Section 14-108, as amended by Section 15, Chapter 447, O.S.L. 2002 (26 O.S. Supp. 2002, Section 14-108), which relates to return of absentee ballots; prohibiting certain persons from notarizing absentee ballots; amending 26 O.S. 2001, Sections 16-102 and 16-105, which relate to election law crimes; modifying prohibition; requiring that certain information be posted; providing for codification; and providing an effective date.

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

SECTION 1. NEW LAW A new section of law to be codified in the Oklahoma Statutes as Section 4-120.10 of Title 26, unless there is created a duplication in numbering, reads as follows:

Any person whose voter registration has been transferred and the transfer has been completed by the appropriate election board pursuant to Section 4-116 or 4-118 of Title 26 of the Oklahoma Statutes shall not vote in the precinct in which the person was registered prior to the transfer of registration.

SECTION 2. AMENDATORY 26 O.S. 2001, Section 12-108, is amended to read as follows:

Section 12-108. Said proclamation shall contain the following facts:

1. A filing period of three (3) days, on a Monday, Tuesday and Wednesday not less than ten (10) days from the date of said proclamation;

2. The date of the Special Primary Election, not less than twenty (20) days after the close of the filing period; ~~and~~

3. The date of the Special Runoff Primary Election, not less than twenty (20) days after the date of the Special Primary Election; and

4. The date of the Special General Election, not less than twenty (20) days after the date of the Special Runoff Primary Election.

Should such a vacancy occur between March 1 and July 1 of an even-numbered year, when a special election is required, the proclamation must contain dates that are the same as are required by law for the regular filing period, Primary Election, Runoff Primary Election and General Election.

SECTION 3. AMENDATORY 26 O.S. 2001, Section 14-108, as amended by Section 15, Chapter 447, O.S.L. 2002 (26 O.S. Supp. 2002, Section 14-108), is amended to read as follows:

Section 14-108. A. The voter shall be required to mark ~~his or her~~ 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 at no charge by a notary public; seal the plain opaque envelope inside the envelope bearing the affidavit and return both envelopes, sealed inside the return envelope, by United States mail or by a private mail service, provided such service has delivery documentation, to the county election board.

B. The ballot shall not be notarized by any person whose name appears on the ballot as a candidate or by any campaign chairperson

or campaign treasurer for a candidate whose name appears on the ballot.

SECTION 4. AMENDATORY 26 O.S. 2001, Section 16-102, is amended to read as follows:

Section 16-102. Any person who votes more than once at any election, who votes in a precinct after having transferred voter registration to a new precinct, or who, knowing that he is not eligible to vote at an election, willfully votes at said election shall be deemed guilty of a felony.

SECTION 5. AMENDATORY 26 O.S. 2001, Section 16-105, is amended to read as follows:

Section 16-105. A. Any person who knowingly perpetrates fraud, or who steals supplies used to conduct an election, in order to change a voter's vote, or to change the composition of the official ballot or ballots, or to change the counting of the ballots, or to change the certification of the results of an election, shall be deemed guilty of a felony.

B. At every precinct there shall be posted information, provided by the State Election Board, which states the penalties for voter fraud and states that, if voter fraud is suspected, complaints should be reported to the State Election Board.

C. The State Election Board shall, upon receiving the complaint:

1. Document such complaint and request the name and mailing address of the person making the complaint;

2. Send a letter to the person making the complaint, stating the penalties for voter fraud and the option of contacting the district attorney in the county where such fraud is suspected; and

3. Provide the district attorney's name and phone number.

D. All information relating to voter complaints shall remain confidential until after the complaint has resulted in a conviction or a plea of guilty or nolo contendere.

SECTION 6. This act shall become effective November 1, 2003.

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