STATE OF OKLAHOMA

1st Session of the 49th Legislature (2003)

2ND CONFERENCE COMMITTEE SUBSTITUTE
FOR ENGROSSED
SENATE BILL 358 By: Leftwich of the Senate

and

Hefner of the House

2ND CONFERENCE COMMITTEE SUBSTITUTE

An Act relating to elections; amending 26 O.S. 2001, Sections 1-108, 2-107, 2-117, 3-101, Section 5, Chapter 447, O.S.L. 2002, 4-119, 13A-103, 14-108, as amended by Section 15, Chapter 447, O.S.L. 2002, 14-113.2, as amended by Section 16, Chapter 447, O.S.L. 2002, 14-115, as amended by Section 18, Chapter 447, O.S.L. 2002, 14-115.4, as amended by Section 1, Chapter 341, O.S.L. 2002, 14-116, 14-117, 14-118, 14-120, 14-120.1, 14-121, as amended by Section 19, Chapter 447, O.S.L. 2002, 14-123, 16-102, and 20-102 (26 O.S. Supp. 2002, Sections 4-115.2, 14-108, 14-113.2, 14-115, 14-115.4, and 14-121), which relate to formation of political parties, duties of the Secretary, elections, confidentiality of residency, change of political affiliation, dates of special elections, return of ballots, requirements for marking ballots, procedures for voters confined to nursing homes, in-person absentee ballots, voters in armed services, application for voters in armed services, return of absentee ballots, write-in absentee ballots, authorizing discharged military personnel to vote, removal of outer envelopes, voting illegally, and filing for nomination for President of the United States; modifying certain dates for formation of certain political parties; authorizing the Secretary of the State Election Board to stand in for certain persons in the event of a vacancy or for employing necessary personnel; deleting statutory cite; stating minimum salary requirements of the assistant secretary of the county election board; prohibiting reduction of salary for certain persons; authorizing the county election board to compensate temporary personnel in certain circumstances; modifying dates for certain special elections; adding participants in the Address Confidentiality Program to list of registered voters who are members of certain classes; prohibiting release of certain information except under court order; providing process for change in political affiliation; modifying dates for change in political affiliation; providing exception for the year 2004 school board elections; providing for counting of absentee ballots; stating exception; prohibiting and restricting certain persons from witnessing any absentee ballot affidavit; modifying certain day for

in-person absentee voting; providing exception for certification of signature on an application for in-person absentee ballot; authorizing certain persons who are not registered to vote to be entitled to vote in certain elections; authorizing certain persons to apply for absentee ballots; requiring the Secretary to transmit absentee ballots for certain persons by facsimile or by United States mail; authorizing the secretary to transmit a ballot to certain persons by facsimile in certain circumstances; authorizing certain persons to return ballots by private mail service; authorizing any person covered by the federal Uniformed and Overseas Absentee Voting Act of 1986 for absentee ballot; conforming and updating language; modifying day for removal of outer envelops from absentee ballots; authorizing the secretary to promulgate rules for certain procedures; authorizing the Secretary of the State Election Board to prescribe special procedures to facilitate absentee voting for certain persons due to national or local emergency situations; establishing penalty for persons who vote more than once in any election; modifying dates for filing for certain office; providing for codification; and declaring an emergency.

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

SECTION 1. AMENDATORY 26 O.S. 2001, Section 1-108, is amended to read as follows:

Section 1-108. A group of persons may form a recognized political party at any time except during the period between ~~July 1~~ June 15 and November 15 of any even-numbered year if the following procedure is observed:

1. Notice of intent to form a recognized political party must be filed in writing with the Secretary of the State Election Board at any time except during the period between March 1 and November 15 of any even-numbered year.

2. After ~~said~~ such notice is filed, petitions seeking recognition of a political party, in a form to be prescribed by the Secretary of the State Election Board, shall be filed with ~~said~~ such Secretary, bearing the signatures of registered voters equal to at least five percent (5%) of the total votes cast in the last General Election either for Governor or for electors for President

and Vice President. Each page of ~~said~~ such petitions must contain the names of registered voters from a single county. Petitions may be circulated a maximum of one (1) year after notice is filed, provided that petitions shall be filed with ~~said~~ such Secretary no later than May ~~31~~ 1 of an even-numbered year. ~~Said~~ Such petitions shall not be circulated between May ~~31~~ 1 and November 15 of any even-numbered year.

3. Within thirty (30) days after receipt of ~~said~~ such petitions, the State Election Board shall determine the sufficiency of ~~said~~ such petitions. If ~~said~~ such Board determines there are a sufficient number of valid signatures of registered voters, the party becomes recognized under the laws of the State of Oklahoma with all rights and obligations accruing thereto.

SECTION 2. AMENDATORY 26 O.S. 2001, Section 2-107, is amended to read as follows:

Section 2-107. The Secretary of the State Election Board shall be the administrative officer of the State Election Board and shall have general supervisory authority over county election boards and shall have the authority to provide administrative supervision to any county election board, as well as the authority to stand in the place of the secretary of the county election board for the purpose of employing county election board personnel when a vacancy exists in the office of the secretary of the county election board. The Secretary shall have the authority to employ and fix the salaries and duties of such personnel as may be necessary to perform the duties of the State Election Board. The Secretary may promulgate, repeal or modify such rules or regulations as ~~he~~ the Secretary deems necessary to facilitate and assist in achieving and maintaining uniformity in the application, operation and interpretation of the state and federal election laws and a maximum degree of correctness, impartiality and efficiency in administration of the election laws; provided, however, that such rules or regulations, to be binding and

effective, must have been officially adopted by the Secretary of the State Election Board; the procedure and adoption of such rules and regulations shall be subject to the provisions of the Administrative Procedures Act~~, Section 250.1 et seq. of Title 75 of the Oklahoma Statutes~~. The Secretary shall promote and encourage voter registration and voter participation in elections. The Secretary shall be the chief state election official responsible for coordination of state responsibilities under the National Voter Registration Act of 1993. The Secretary shall have the authority to implement programs for confirmation of voter registration and for removal of ineligible voters in compliance with general Oklahoma election law and requirements of the National Voter Registration Act of 1993.

SECTION 3. AMENDATORY 26 O.S. 2001, Section 2-117, is amended to read as follows:

Section 2-117. The secretary of the county election board shall be the administrative officer of the county election board and shall have general supervisory authority over the several precinct election boards within the county. In counties having seventeen thousand five hundred or more registered voters, the secretary shall have the authority to employ and/or terminate an assistant secretary and such other employees as are necessary to perform the duties of the county election board. In counties having fewer than seventeen thousand five hundred registered voters, the secretary shall employ a chief clerk and such other employees as are necessary to perform the duties of the county election board. <u>In the event a vacancy exists in the office of the secretary of the county election board, the Secretary of the State Election Board shall have the authority to stand in the place of the secretary of the county election board for the purpose of employing necessary county election board personnel.</u> The secretary shall be charged with the operational responsibilities of the board, including, but not limited to,

supervision, defining job positions and responsibilities of the employees, preparation of the annual budget, preparation and filing of all reports, and the implementation of policy, findings and actions lawfully prescribed or determined by the county election board. The minimum salary of the assistant secretary shall be equal to ~~the salary of the highest salaried first or chief deputy or assistant to any county officer in the same county, or shall be equal to ninety percent (90%) of the scheduled salary of a full-time secretary in the same county, whichever is lower~~ ninety percent (90%) of the scheduled salary of the secretary in the same county, but shall not exceed the salary of the highest salaried first or chief deputy or assistant to any county officer, excluding the under sheriff, in the same county. The minimum salary of the chief clerk shall be equal to one-half (1/2) of the salary of the highest salaried first or chief deputy or assistant to any county officer in the same county, or ninety percent (90%) of the scheduled salary of ~~a full-time~~ the secretary in the same county, whichever is lower. The salary limitation contained in this section shall not operate to reduce the salary of any person employed as an assistant secretary or chief clerk on May 1, 2003. Salaries of additional personnel, including personnel employed temporarily, shall not exceed the salary of the assistant secretary or chief clerk and shall be comparable to salaries paid for the same positions in other offices within the county. The salaries of the assistant secretary, chief clerk and other personnel shall be paid from county funds on a monthly basis. In the event that the secretary, assistant secretary, chief clerk, or any other essential county election board employee must be away from work for a period of time due to personal illness, family illness, or family emergency, the county election board shall be required to fund compensation of appropriate temporary personnel during the employee's absence.

SECTION 4. NEW LAW A new section of law to be codified in the Oklahoma Statutes as Section 2-128.2 of Title 26, unless there is created a duplication in numbering, reads as follows:

When authorized by the Secretary of the State Election Board, the secretary of the county election board may employ additional precinct board employees to assist the Precinct Election Board members with specific tasks. Such additional workers, when authorized and employed, shall be compensated at the same rate as the judge and clerk.

SECTION 5. AMENDATORY 26 O.S. 2001, Section 3-101, is amended to read as follows:

Section 3-101. A. No election required to be conducted by any county election board shall be scheduled for a day other than Tuesday.

B. Except as otherwise provided by law, no special election shall be held by any county, school district, technology center school district, municipality or other entity authorized to call elections except on the second Tuesday of January, February, May, June, July, August, September, October, November and December and the first Tuesday in March and April in odd-numbered years and the second Tuesday of January, February, March, May, ~~June~~ and December, the first Tuesday in April, the last Tuesday in July, the fourth Tuesday in August, ~~the third Tuesday in September~~ and the first Tuesday after the first Monday in November of any even-numbered year; except, in February 2004, the date for the special elections shall be the fourth Tuesday.

C. In the event that a regular or special election date occurs on an official state holiday, the election shall be scheduled for the next following Tuesday.

SECTION 6. AMENDATORY Section 5, Chapter 447, O.S.L. 2002 (26 O.S. Supp. 2002, Section 4-115.2), is amended to read as follows:

Section 4-115.2 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~~ protected by victim's protection orders, the spouses and dependents of the members of such classes, and persons who are certified by the Secretary of State as participants in the Address Confidentiality Program established by Section 60.14 of Title 22 of the Oklahoma Statutes. Such address information shall be provided to a candidate or candidate representative or other lawful authority in anticipation or 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 petition challenge as provided by law. However, no information concerning the address of a certified Address Confidentiality Program participant shall be released by election officials to any person for any purpose except under court order.

SECTION 7. AMENDATORY 26 O.S. 2001, Section 4-119, is amended to read as follows:

Section 4-119. Any registered voter may make application under oath to change ~~his or her~~ political affiliation by executing a form prescribed by the Secretary of the State Election Board at any time ~~prescribed by law for registration transactions except during the period from 5:00 p.m. on July 1 through 5:00 p.m. on September 30 in any even-numbered year. Information given by the voter shall be under oath~~. The county election board secretary in the applicant's county of residence shall ~~hold~~ process and approve any such application for political affiliation change ~~received by the State Election Board, any county election board, any agency designated to accept voter registration applications or any motor license agent as~~

~~part of a driver license or identification card application after 5:00 p.m. July 1 through 5:00 p.m. on September 30 in any even-numbered year or if a mail application is postmarked after 5:00 p.m. July 1 through 5:00 p.m. on September 30 in any even-numbered year or if a mail application is received without a postmark more than five (5) days after July 1 through 5:00 p.m. on September 30 in any even-numbered year~~ upon receipt, except as provided in Section 4-110.1 of Title 26 of the Oklahoma Statutes and except during the period from June 1 through August 31, inclusive, in any even-numbered year. The secretary shall process and approve such applications for change of political affiliation received or postmarked from June 1 through August 31 in any even-numbered year after August 31.

SECTION 8. AMENDATORY 26 O.S. 2001, Section 13A-103, is amended to read as follows:

Section 13A-103. A. The election of members of the board of education of every school district and technology center school district shall be conducted on the second Tuesday in February of each year, except in the year 2004, when the election shall be held on the fourth Tuesday in February.

If no candidate receives more than fifty percent (50%) of the votes cast in the election provided for in this subsection, an election between the two candidates with the highest number of votes shall be conducted on the first Tuesday in April of that year.

B. Elections on the question of making a levy or levies for schools under Section 9, Section 9B or Section 10 of Article X of the Oklahoma Constitution shall be held on the second Tuesday in February of each year.

C. The board of education of every school district or technology center school district may call a special election for the purpose of voting on any matter or question authorized by law.

SECTION 9. NEW LAW A new section of law to be codified in the Oklahoma Statutes as Section 14-104.1 of Title 26, unless there is created a duplication in numbering, reads as follows:

Absentee ballots cast no later than the day of the federal election by voters identified pursuant to Section 14-116 of Title 26 of the Oklahoma Statutes who made timely applications for absentee ballots in the Runoff Primary Election and received by the secretary of the county election board by 5 p.m. on the fourteenth day following the Runoff Primary Election shall be accepted as validly cast ballots and shall be tabulated and included in the final election results for federal offices. However, the Secretary of the State Election Board shall not be prevented from declaring the successful candidate in a Runoff Primary Election for a federal office if the total number of the ballots sent to absentee voters identified pursuant to Section 14-116 of Title 26 of the Oklahoma Statutes is mathematically insufficient to affect the outcome of the election.

SECTION 10. 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. The voter shall be required to mark his or her 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. <u>No person who is a candidate for an office on the ballot or who is the chair or treasurer of the campaign of a candidate for office or who is</u>

related within the third degree of consanguinity or affinity to a candidate on the ballot may witness any absentee ballot affidavit.

SECTION 11. AMENDATORY 26 O.S. 2001, Section 14-113.2, as amended by Section 16, Chapter 447, O.S.L. 2002 (26 O.S. Supp. 2002, 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 or by a private mail service, provided such service has delivery documentation, to the county election board.

B. No person, except members of absentee voting boards, shall witness the signature of more than five affidavits of persons who swear they are physically incapacitated and unable to vote in person at their precinct on election day. No person who is a candidate for an office on the ballot or who is related within the third degree of consanguinity or affinity to a candidate on the ballot may witness any absentee ballot affidavit.

SECTION 12. AMENDATORY 26 O.S. 2001, Section 14-115, as amended by Section 18, Chapter 447, O.S.L. 2002 (26 O.S. Supp. 2002, 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 facility, as defined in Section 1-1902 of Title 63 of the Oklahoma Statutes, within the county of the jurisdiction of the

secretary, the secretary shall cause to be implemented the following procedures:

1. On the Thursday, Friday, Saturday or Monday preceding the election, the absentee voting board shall deliver to each registered voter who is confined to a nursing 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 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 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 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 13. AMENDATORY 26 O.S. 2001, Section 14-115.4, as amended by Section 1, Chapter 341, O.S.L. 2002 (26 O.S. Supp. 2002, 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 8 a.m. to 6 p.m. on Friday and Monday immediately preceding any election and only in state and federal

elections from 8 a.m. to 1 p.m. on Saturday immediately preceding any election. As part of the application for an in-person absentee ballot such registered voter shall swear or affirm that the voter has not voted a regular mail absentee ballot and that 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 8 a.m. to 6 p.m. at the in-person absentee polling place on Friday and Monday and from 8 a.m. to 1 p.m. on Saturday 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 the signature of the voter 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 the ballots of the voter 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 a 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 14. AMENDATORY 26 O.S. 2001, Section 14-116, is amended to read as follows:

Section 14-116. Any qualified elector <u>covered by the federal Uniformed and Overseas Citizens Absentee Voting Act of 1986, as amended, and the spouse or dependent of the elector may make written application to the secretary of the county election board in the county of the residence of the elector for absentee ballots and shall be entitled, without being registered to vote, to receive absentee ballots for all elections in which the elector is eligible to participate that occur both during the remainder of the calendar</u>

year in which the application is received and during the subsequent calendar year without requiring further application. Voter registration in the county shall not be required for a qualified elector covered by the Federal Uniformed and Overseas Citizens Absentee Voting Act of 1986, as amended, although the elector must be eligible to be registered to vote as provided by Section 4-101 of this title ~~who is in the Armed Forces of the United States, or in the Merchant Marine of the United States, and the spouse or officially accredited dependent of such elector, or a citizen of the United States, temporarily residing outside the territorial limits of the United States and the District of Columbia, and who is absent from the place of his residence, may make written application to the secretary of the county election board of his residence for an absentee ballot at any election for which absentee ballots are authorized, and shall be entitled, without being registered, if a qualified elector in the precinct of his residence, to receive said absentee ballots. Upon receipt of an application from such an elector during any calendar year, the secretary of the county election board shall transmit absentee ballots to the elector for any elections in which the elector is eligible to vote during the calendar year, without requiring further application~~.

SECTION 15. AMENDATORY 26 O.S. 2001, Section 14-117, is amended to read as follows:

Section 14-117. ~~Said electors~~ Electors identified by Section 14-116 of this title may apply for absentee ballots as provided for in the ~~Federal~~ federal Uniformed and Overseas Citizens Absentee Voting Act of 1986, as amended, or by letter setting forth substantially the same facts. Said application shall be transmitted by United States mail or by facsimile device as defined in Section 1862 of Title 21 of the Oklahoma Statutes to the secretary of the county election board of the elector's residence.

SECTION 16. AMENDATORY 26 O.S. 2001, Section 14-118, is amended to read as follows:

Section 14-118. When ~~such~~ an application for an absentee ballot pursuant to Section 14-117 of this title is received by the secretary of a county election board, it shall be ~~his~~ the duty of the secretary to transmit, by United States mail or by facsimile device as defined in Section 1862 of Title 21 of the Oklahoma Statutes, the ballots which said elector has requested and is entitled to receive.

SECTION 17. NEW LAW A new section of law to be codified in the Oklahoma Statutes as Section 14-118.1 of Title 26, unless there is created a duplication in numbering, reads as follows:

In the event that an absentee ballot mailed to a voter identified by Section 14-116 of Title 26 of the Oklahoma Statutes cannot be received by the voter, voted and returned to the secretary of the county election board in the county of the residence of the voter in time to be counted, the secretary shall be authorized to transmit a ballot for federal offices by facsimile device as defined in Section 1862 of Title 21 of the Oklahoma Statutes, provided that the voter has made a timely application for an absentee ballot. Instructions and an affidavit as required by paragraph 2 of Section 14-119 of Title 26 of the Oklahoma Statutes and a statement waiving the right to a secret ballot also shall accompany the ballot that was transmitted by facsimile device. The voter may transmit by facsimile device the voted ballot only to the location designated by the Secretary of the State Election Board. Regular absentee ballots also shall be mailed to the voter, and if the regular ballots are returned by the voter and received by the secretary of the county election board in time to be counted, the ballot transmitted by facsimile device shall not be counted. The Secretary of the State Election Board shall promulgate rules setting forth procedures and

prescribe appropriate forms to transmit and to receive absentee ballots pursuant to this section.

SECTION 18. AMENDATORY 26 O.S. 2001, Section 14-120, is amended to read as follows:

Section 14-120. The voter shall be required to mark ~~his~~ the voter's ballots 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, 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.

SECTION 19. AMENDATORY 26 O.S. 2001, Section 14-120.1, is amended to read as follows:

Section 14-120.1 A. Notwithstanding any other law to the contrary, any qualified elector who is ~~in the Armed Forces of the United States or in the Merchant Marine of the United States, and the spouse or officially accredited dependent of such elector, or who is a citizen of the United States, temporarily residing outside the territorial limits of the United States and the District of Columbia, and who is absent from the place of residence of the elector~~ covered by the federal Uniformed and Overseas Absentee Voting Act of 1986, as amended, may make written application within ninety (90) days before an election for presidential preference, presidential electors, or members of the United States Senate and United States House of Representatives to the secretary of the county election board of residence of the elector for a special write-in absentee ballot for said federal offices being contested in the election. The elector shall be entitled, without being registered, if a qualified elector in the precinct of residence, to receive the special write-in absentee ballot.

B. Application shall be by using Standard Form 76, Post Card Application for Absentee Ballot, as provided for in the ~~Federal~~ federal Uniformed and Overseas Citizens Absentee Voting Act of 1986, as amended, or by letter setting forth substantially the same facts. ~~The special write-in absentee ballots shall be issued only if the applicant states that due to military contingencies or due to living in an isolated or extremely remote area of the world, the regular application procedure cannot be followed.~~

C. Upon receipt of the application, the secretary of the county election board shall issue to the elector the ballot which shall be prescribed by the Secretary of the State Election Board, a list of the offices to be voted upon, and other materials as described in Section 14-119 of this title. As soon as a completed list of nominated candidates including the party designations of the candidates is available, the secretary shall send the list to each applicant. If the list of candidates is not available when the ballot is issued, the secretary shall include a statement indicating that the list shall be mailed as soon as it becomes available.

D. The ballot shall permit the elector to vote by writing in the names of specific candidates, the names of persons whom the voter prefers, or, in the case of a general election, the party preference for each office. The ballot shall be returned in the manner specified in Section 14-120 of this title.

E. A voter who requests a special write-in absentee ballot pursuant to the provisions of this section may also request regular absentee ballots pursuant to the provisions of Section 14-116 of this title. If the regular absentee ballots are properly returned, the special write-in absentee ballot shall be deemed void and shall be rejected without the opaque envelope being opened.

F. Special write-in absentee ballots shall be counted and tabulated according to procedures prescribed by the Secretary of the State Election Board.

SECTION 20. AMENDATORY 26 O.S. 2001, Section 14-121, as amended by Section 19, Chapter 447, O.S.L. 2002 (26 O.S. Supp. 2002, 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~~ Uniformed Services of the United States, or who has been terminated in 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~~ Uniformed Services 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 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 the person is entitled to vote at such election and completing a voter registration application for an address within the precinct.

SECTION 21. AMENDATORY 26 O.S. 2001, Section 14-123, is amended to read as follows:

Section 14-123. At ~~10:00~~ 10 a.m. on ~~Saturday~~ Thursday preceding the election, or at such time thereafter as the county election board may desire, the county election board may meet and publicly remove the outer envelopes from all absentee ballots then received, examine and remove properly executed affidavits and place the plain opaque envelopes in a ballot box, locked with three locks. Said procedure shall be repeated until such time as all ballots have been received.

SECTION 22. NEW LAW A new section of law to be codified in the Oklahoma Statutes as Section 14-135 of Title 26, unless there is created a duplication in numbering, reads as follows:

If a national or local emergency or other situation arises which makes substantial compliance with the provisions of the federal Uniformed and Overseas Citizens Absentee Voting Act of 1986, as amended, impossible or unreasonable, such as a natural disaster or an armed conflict involving United States Armed Forces, or mobilization of those forces, including National Guard and Reserve components, the Secretary of the State Election Board may prescribe special emergency procedures as may be necessary to facilitate absentee voting by those citizens directly affected who otherwise are eligible to vote in the state.

SECTION 23. 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 or who, knowing that he or she is not eligible to vote at an election, willfully votes at said election shall be deemed guilty of a felony. Any voter covered by Section 14-116 of this title who willingly votes and submits an absentee ballot pursuant to Section 14-104.1 of this title later than the day of the election shall be deemed guilty of a felony.

SECTION 24. AMENDATORY 26 O.S. 2001, Section 20-102, is amended to read as follows:

Section 20-102. A. Candidates for the nomination for President of the United States shall file with the Secretary of the State Election Board. ~~Said~~ Such candidates shall be members of political parties recognized under the laws of the State of Oklahoma and shall have filed a statement of candidacy with the Federal Election Commission and shall have raised and expended not less than Five Thousand Dollars ($5,000.00) for said office. The candidates shall be required to swear an oath or affirm that they meet the aforementioned qualifications, and their signatures shall be witnessed by a notary public. ~~Said~~ Such filing beginning at 8:00 a.m. on the ~~second~~ first Monday in ~~January~~ December and ending at

5:00 p.m. on the next succeeding Wednesday, or at a time prescribed by the State Election Board for a Presidential Preferential Primary to be held on a date other than the ~~second~~ first Tuesday in ~~March~~ February. A statement of candidacy must be accompanied by a petition supporting a candidate's filing signed by one percent (1%) of the registered voters in each congressional district eligible to vote for a candidate or one thousand (1,000) registered voters in each congressional district eligible to vote for a candidate, whichever is less, as reflected by the latest January 15 registration report; or by a cashier's check or certified check in the amount of Two Thousand Five Hundred Dollars ($2,500.00). ~~Said~~ Such check shall be forfeited unless a candidate receives more than fifteen percent (15%) of the votes cast. The State Election Board shall cause the names of all candidates who have filed within the proper time to be printed on the official ballots. The ballots shall be prepared as provided for by law. Voters shall be restricted to one vote for the candidate of his or her choice of the political party in which the voter is registered.

B. Each page of a petition supporting a candidate's filing shall identify the county and the congressional district, and shall contain the names of registered voters in only one congressional district and in only one county.

C. Each page of a petition supporting a candidate's filing shall be verified. Verification shall be made in substantial compliance with the provisions of Section 6 of Title 34 of the Oklahoma Statutes.

SECTION 25. 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.