

By: Wilson of the Senate  
and  
Wright of the House

An Act relating to elections; amending 26 O.S. 2001, Section 14-108, as last amended by Section 17, Chapter 5, O.S.L. 2004 (26 O.S. Supp. 2004, Section 14-108), which relates to witnessing of affidavit; prohibiting certain person from witnessing absentee ballot affidavit on certain premises; stating certain prohibitions for notarizing absentee ballot affidavits; stating exceptions; stating violations; providing penalties; stating certain exceptions; providing for codification; providing an effective date; and declaring an emergency.

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

SECTION 1. AMENDATORY 26 O.S. 2001, Section 14-108, as last amended by Section 17, Chapter 5, O.S.L. 2004 (26 O.S. Supp. 2004, Section 14-108), is amended to read as follows:

Section 14-108. A. The voter shall be required to mark 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. 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 related within the third degree of consanguinity or affinity to a candidate on the ballot may witness any absentee ballot affidavit.

B. The absentee ballot affidavit 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 or who is related within the third degree of consanguinity or affinity to a candidate on the ballot.

C. No person shall notarize signatures on more than ten (10) absentee ballot affidavits per election on premises of a private residence. A notary public commissioned by the State of Oklahoma may not charge a fee to notarize an absentee ballot affidavit nor refuse to notarize such affidavit for lack of a fee.

SECTION 2. NEW LAW A new section of law to be codified in the Oklahoma Statutes as Section 16-124 of Title 26, unless there is created a duplication in numbering, reads as follows:

A. A notary public commissioned by the State of Oklahoma who knowingly violates the provisions of subsection C of Section 14-108 of Title 26 of the Oklahoma Statutes by charging a fee to notarize an absentee ballot affidavit, or who refuses to notarize such affidavit for lack of a fee shall be deemed guilty of a misdemeanor.

B. A notary public, who knowingly violates the provisions of subsection C of Section 14-108 of Title 26 of the Oklahoma Statutes by notarizing more than ten (10) absentee ballot affidavits per election shall be deemed guilty of a misdemeanor.

SECTION 3. This act shall become effective July 1, 2005.

SECTION 4. 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.

Passed the Senate the 3rd day of March, 2005.

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Presiding Officer of the Senate

Passed the House of Representatives the \_\_\_\_ day of \_\_\_\_\_,  
2005.

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Presiding Officer of the House  
of Representatives