

SB 487

THE STATE SENATE
Tuesday, February 22, 2005

Senate Bill No. 487

As Amended

SENATE BILL NO. 487 - 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; 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~~

1 ~~candidate for an office on the ballot or who is the chair or~~
2 ~~treasurer of the campaign of a candidate for office or who is~~
3 ~~related within the third degree of consanguinity or affinity to a~~
4 ~~candidate on the ballot may witness any absentee ballot affidavit.~~

5 B. The absentee ballot affidavit shall not be notarized by any
6 person whose name appears on the ballot as a candidate or by any
7 campaign chairperson or campaign treasurer for a candidate whose
8 name appears on the ballot or who is related within the third degree
9 of consanguinity or affinity to a candidate on the ballot.

10 C. No person shall notarize signatures on more than five (5)
11 absentee ballot affidavits per election. A notary public
12 commissioned by the State of Oklahoma may not charge a fee to
13 notarize an absentee ballot affidavit nor refuse to notarize such
14 affidavit for lack of a fee.

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

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

1 B. A notary public who knowingly violates the provisions of
2 Subsection C of Section 14-108 of Title 26 of the Oklahoma Statutes
3 by notarizing more than five (5) absentee ballot affidavits per
4 election shall be deemed guilty of a **misdemeanor**.

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

6 SECTION 4. It being immediately necessary for the preservation
7 of the public peace, health and safety, an emergency is hereby
8 declared to exist, by reason whereof this act shall take effect and
9 be in full force from and after its passage and approval.

10 COMMITTEE REPORT BY: COMMITTEE ON GENERAL GOVERNMENT, dated 2-14-05
11 - DO PASS, As Amended and Coauthored.