STATE OF OKLAHOMA

1st Session of the 50th Legislature (2005)

HOUSE BILL 1528 By: DePue

AS INTRODUCED

An Act relating to elections; amending 26 O.S. 2001, Sections 7-114 and 14-115.4, as last amended by Section 8, Chapter 307, O.S.L. 2004 (26 O.S. Supp. 2004, Section 14-115.4), which relate to voting; requiring presentment of proof of identity when voting; providing for proof of identity; allowing persons without proof of identity to vote and providing procedure therefor; providing penalty for false statements; and providing an effective date.

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

SECTION 1. AMENDATORY 26 O.S. 2001, Section 7-114, is amended to read as follows:

Section 7-114. A. Each person ~~presenting himself~~ arriving to vote shall announce ~~his~~ the person's name to the judge of the precinct and shall provide proof of identity to the judge, whereupon the judge shall determine whether said person's name is in the precinct registry. A document, containing a photograph of the voter, issued by the state, the federal government, a county, a municipality, or a federally recognized Indian tribe may be used to show proof of identity.

B. 1. If a person is unable to produce any of the items of identification provided for in subsection A of this section, the person may sign a statement under oath in a form approved by the Secretary of the State Election Board, swearing or affirming that the person is the person identified on the precinct registry, and shall be allowed to vote.

2. False swearing or affirming under oath shall be punishable as a felony and the penalty shall be distinctly set forth on the face of the statement.

3. Any vote cast pursuant to this subsection, shall be deposited in an envelope designated for such purpose and shall be stored in accordance with procedures established by the Secretary of the State Election Board.

SECTION 2. AMENDATORY 26 O.S. 2001, Section 14-115.4, as last amended by Section 8, Chapter 307, O.S.L. 2004 (26 O.S. Supp. 2004, 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 from 8 a.m. to 1 p.m. on Saturday immediately preceding a state or federal 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. The voter also shall provide proof of identity, as provided in subsection A of Section 7-114 of this title. If the person is unable to produce proof of identity, the person shall be allowed to vote pursuant to subsection B of Section 7-114 of this title. Any person falsely swearing or affirming such statement shall be subject to the penalty provided in subsection B of Section 7-114 of this title.

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 immediately preceding any election and from 8 a.m. to 1 p.m. on Saturday immediately preceding a state or federal 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 7:45 a.m. on the next day of 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 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 3. This act shall become effective November 1, 2005.

50-1-5958 SD 01/09/05