

1 ENGROSSED HOUSE AMENDMENT

TO

2 ENGROSSED SENATE BILL NO. 1150

By: Ford of the Senate

3 and

4 Tibbs of the House

5

6

7 ( elections - general administration of elections -

8 identity - codification -

9 effective date )

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12 AUTHORS: Add the following House Coauthors: Kern, Martin (Steve),  
Sears and Terrill

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14 AMENDMENT NO. 1. Strike the stricken title, enacting clause and  
entire bill and insert

15

16 "An Act relating to elections; amending 26 O.S. 2001,  
17 Sections 7-114, 14-113.2, as last amended by Section  
18 11, Chapter 485, O.S.L. 2003, 14-115.1 and 14-115.4,  
as last amended by Section 8, Chapter 307, O.S.L.  
19 2004 (26 O.S. Supp. 2007, Sections 14-113.2 and 14-  
20 115.4), which relate to general administration of  
elections, conduct of elections, and absentee  
21 voting; requiring the voter to provide proof of  
identity; authorizing certain documents that may be  
22 used as proof of identity; providing procedures if  
person unable to produce proof of identity;  
23 providing penalty; making language gender neutral;  
requiring proof of identity with absentee ballots;  
and providing an effective date.

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

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

4 Section 7-114. A. Each person ~~presenting himself~~ appearing to  
5 vote shall announce ~~his~~ that person's name to the judge of the  
6 precinct and shall provide proof of identity, whereupon the judge  
7 shall determine whether ~~said~~ the person's name is in the precinct  
8 registry. The voter's valid voter identification card, driver  
9 license, passport, state identification card, a photocopy of a  
10 current utility bill, bank statement, government check, paycheck, or  
11 other government or tribal document that shows the voter's name and  
12 address may be used as proof of identity.

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

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

22 3. Any vote cast pursuant to this subsection shall be deposited  
23 in an envelope designated for such purpose and shall be stored and  
24

1 counted in accordance with procedures established by the Secretary  
2 of the State Election Board.

3 4. Vote caging, which shall mean the challenging of a voter's  
4 registration based upon mass mailing of private notices, shall be  
5 unlawful in the State of Oklahoma.

6 SECTION 2. AMENDATORY 26 O.S. 2001, Section 14-113.2, as  
7 last amended by Section 11, Chapter 485, O.S.L. 2003 (26 O.S. Supp.  
8 2007, Section 14-113.2), is amended to read as follows:

9 Section 14-113.2 A. The voter shall ~~be~~:

10 1. Be responsible for marking the ballots or directing a person  
11 chosen by the voter to mark the ballots in accordance with the  
12 provisions of Section 7-123.3 of this title and as prescribed by the  
13 Secretary of the State Election Board; ~~seal~~

14 2. Provide proof of identity;

15 3. Seal the ballots in the plain opaque envelope; ~~fill~~

16 4. Fill out completely and sign the affidavit or direct a  
17 person chosen by the voter to sign the affidavit, such signature to  
18 be witnessed by two persons, who did not sign the affidavit, whose  
19 signature and address shall appear on the affidavit; ~~seal~~ and

20 5. Seal the plain opaque envelope inside the envelope bearing  
21 the affidavit and return both envelopes, sealed inside the return  
22 envelope, by United States mail or by a private mail service,  
23 provided such service has delivery documentation, to the county  
24 election board.

1        A photocopy of the voter's valid voter identification card,  
2 driver license, passport, state identification card, current utility  
3 bill, bank statement, government check, paycheck, or other  
4 government or tribal document that shows the voter's name and  
5 address may be used as proof of identity.

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

13        SECTION 3.        AMENDATORY        26 O.S. 2001, Section 14-115.1, is  
14 amended to read as follows:

15        Section 14-115.1 A registered voter who becomes incapacitated  
16 after 5:00 p.m. on Tuesday preceding an election, and is unable to  
17 vote in person at the appropriate precinct on the day of the  
18 election, may make a written request for an absentee ballot. The  
19 request shall be signed by the voter, or signed by a witness at the  
20 voter's direction if the voter is unable to sign his or her name,  
21 and shall be transmitted to the secretary of the county election  
22 board. The person transmitting ~~said~~ the request on behalf of the  
23 voter may be anyone of the voter's choosing at least sixteen (16)  
24 years of age; provided, ~~said~~ the person is not employed by nor

1 related within the third degree of consanguinity or affinity to any  
2 person whose name appears on the ballot. The person becomes the  
3 voter's agent for purposes of voting by absentee ballot. The  
4 voter's request must be accompanied by a sworn statement by a duly  
5 licensed physician. Expected or likely confinement for childbirth  
6 on election day is sufficient cause to entitle a voter to vote  
7 absentee pursuant to this section. The statement must attest to the  
8 fact that the voter is in fact unable to vote in person at the  
9 appropriate precinct on the day of the election because of a  
10 physical incapacity and that ~~said~~ the physical incapacity originated  
11 after 5:00 p.m. on Tuesday preceding an election. Upon receipt of  
12 the voter's request and accompanying sworn statement, the secretary  
13 of the county election board shall issue to the voter's agent the  
14 appropriate ballots and envelopes required for voting by  
15 incapacitated voters. The ballots and proof of identification must  
16 be returned by the agent to the secretary of the county election  
17 board no later than 7:00 p.m. on the day of the election. No person  
18 may be the agent for more than one voter at any election. Upon  
19 return of the absentee ballots, the secretary of the county election  
20 board shall cause ~~said~~ such ballots to be processed in the same  
21 manner as is prescribed for other absentee ballots. A photocopy of  
22 the voter's valid voter identification card, driver license,  
23 passport, state identification card, current utility bill, bank  
24 statement, government check, paycheck, or other government or tribal

1 document that shows the voter's name and address may be used as  
2 proof of identity.

3 SECTION 4. AMENDATORY 26 O.S. 2001, Section 14-115.4, as  
4 last amended by Section 8, Chapter 307, O.S.L. 2004 (26 O.S. Supp.  
5 2007, Section 14-115.4), is amended to read as follows:

6 Section 14-115.4 A. A registered voter may apply for an in-  
7 person absentee ballot at a location designated by the secretary of  
8 the county election board from 8 a.m. to 6 p.m. on Friday and Monday  
9 immediately preceding any election and from 8 a.m. to 1 p.m. on  
10 Saturday immediately preceding a state or federal election. As part  
11 of the application for an in-person absentee ballot such registered  
12 voter shall swear or affirm that the voter has not voted a regular  
13 mail absentee ballot and that the voter will not vote at the regular  
14 polling place in the election for which the in-person absentee  
15 ballot is requested. The voter also shall provide proof of  
16 identity. A photocopy of the voter's valid voter identification  
17 card, driver license, passport, state identification card, current  
18 utility bill, bank statement, government check, paycheck, or other  
19 government or tribal document that shows the voter's name and  
20 address may be used as proof of identity.

21 B. One or more absentee voting boards shall be on duty from 8  
22 a.m. to 6 p.m. at the in-person absentee polling place on Friday and  
23 Monday immediately preceding any election and from 8 a.m. to 1 p.m.  
24 on Saturday immediately preceding a state or federal election. If

1 the secretary of a county election board receives an application  
2 from a registered voter requesting to vote by in-person absentee  
3 ballot the secretary shall cause to be implemented the following  
4 procedures:

5 1. An absentee voting board shall provide to each registered  
6 voter who applies for an in-person absentee ballot appropriate  
7 ballots and materials as may be necessary to vote;

8 2. The voter must sign an in-person absentee voter record, and  
9 the signature of the voter on such record must be certified by both  
10 members of the absentee voting board, except that the secretary of  
11 the county election board and one other member of the absentee  
12 voting board may certify the signature of another member of the  
13 absentee voting board;

14 3. The voter must mark the ballots of the voter in the manner  
15 provided by law in the presence of the absentee voting board, but in  
16 such a manner as to make it impossible for any person other than the  
17 voter to ascertain how ~~said~~ such ballots are marked. Insofar as is  
18 possible, the voting procedure shall be the same as if the voter  
19 were casting a vote in person at a precinct;

20 4. The voter shall then deposit the ballot in a voting device  
21 designated for in-person absentee voting by the secretary of the  
22 county election board;

23 5. When the in-person polling place is closed on each day of  
24 in-person absentee voting the in-person absentee voting board shall,

1 without obtaining a printout of results, remove the vote data pack  
2 from the voting device and seal ballots counted that day in a  
3 transfer case which shall be secured by the sheriff of the county in  
4 the same manner as provided in Section 8-110 of this title. The  
5 vote data pack shall be sealed in a container prescribed by the  
6 Secretary of the State Election Board. The sheriff shall secure the  
7 sealed vote data pack container and return it to the in-person  
8 absentee voting board no later than 7:45 a.m. on the next day of  
9 in-person absentee voting or to the secretary of the county election  
10 board at the time of the county election board meeting to count  
11 absentee ballots on election day;

12 6. The vote data pack or packs used for in-person absentee  
13 voting shall be used by the county election board to count absentee  
14 ballots on election day as provided in Section 14-125 of this title;  
15 and

16 7. If there is a malfunction in such a way that the vote data  
17 pack used for in-person absentee voting will not function, the  
18 sheriff is authorized to return the transfer cases containing in-  
19 person absentee ballots to the county election board to be recounted  
20 as provided in Section 7-134.1 of this title.

21 SECTION 5. This act shall become effective January 1, 2009."  
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1 Passed the House of Representatives the 14th day of April, 2008.

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4 Presiding Officer of the House of  
Representatives

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6 Passed the Senate the \_\_\_\_ day of \_\_\_\_\_, 2008.

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9 Presiding Officer of the Senate