

1 STATE OF OKLAHOMA

2 1st Session of the 51st Legislature (2007)

3 COMMITTEE SUBSTITUTE
4 FOR

5 HOUSE BILL NO. 1734

By: Tibbs of the House

and

Jolley of the Senate

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9 COMMITTEE SUBSTITUTE

10 An Act relating to elections; amending 26 O.S. 2001,
11 Sections 7-114 and 14-115.4, as last amended by
12 Section 8, Chapter 307, O.S.L. 2004 (26 O.S. Supp.
13 2006, Section 14-115.4), which relate to voting;
14 requiring presentment of proof of identity when
15 voting; providing for proof of identity; allowing
16 persons without proof of identity to vote and
17 providing procedure therefor; providing penalty for
18 false statements; and providing an effective date.

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

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

22 Section 7-114. A. Each person ~~presenting himself~~ arriving to
23 vote shall announce ~~his~~ the person's name either by voice or in
24 writing 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,

1 containing a photograph of the voter, issued by the state, the
2 federal government, a county, a municipality, or a federally
3 recognized Indian tribe may be used to show proof of identity.

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

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

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

17 SECTION 2. AMENDATORY 26 O.S. 2001, Section 14-115.4, as
18 last amended by Section 8, Chapter 307, O.S.L. 2004 (26 O.S. Supp.
19 2006, Section 14-115.4), is amended to read as follows:

20 Section 14-115.4 A. A registered voter may apply for an in-
21 person absentee ballot at a location designated by the secretary of
22 the county election board from 8 a.m. to 6 p.m. on Friday and Monday
23 immediately preceding any election and from 8 a.m. to 1 p.m. on
24 Saturday immediately preceding a state or federal election. As part

1 of the application for an in-person absentee ballot such registered
2 voter shall swear or affirm that the voter has not voted a regular
3 mail absentee ballot and that the voter will not vote at the regular
4 polling place in the election for which the in-person absentee
5 ballot is requested. The voter also shall provide proof of
6 identity, as provided in subsection A of Section 7-114 of this
7 title. If the person is unable to produce proof of identity, the
8 person shall be allowed to vote pursuant to subsection B of Section
9 7-114 of this title. Any person falsely swearing or affirming such
10 statement shall be subject to the penalty provided in subsection B
11 of Section 7-114 of this title.

12 B. One or more absentee voting boards shall be on duty from 8
13 a.m. to 6 p.m. at the in-person absentee polling place on Friday and
14 Monday immediately preceding any election and from 8 a.m. to 1 p.m.
15 on Saturday immediately preceding a state or federal election. If
16 the secretary of a county election board receives an application
17 from a registered voter requesting to vote by in-person absentee
18 ballot the secretary shall cause to be implemented the following
19 procedures:

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

23 2. The voter must sign an in-person absentee voter record, and
24 the signature of the voter on such record must be certified by both

1 members of the absentee voting board, except that the secretary of
2 the county election board and one other member of the absentee
3 voting board may certify the signature of another member of the
4 absentee voting board;

5 3. The voter must mark the ballots of the voter in the manner
6 provided by law in the presence of the absentee voting board, but in
7 such a manner as to make it impossible for any person other than the
8 voter to ascertain how said ballots are marked. Insofar as is
9 possible, the voting procedure shall be the same as if the voter
10 were casting a vote in person at a precinct;

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

14 5. When the in-person polling place is closed on each day of
15 in-person absentee voting the in-person absentee voting board shall,
16 without obtaining a printout of results, remove the vote data pack
17 from the voting device and seal ballots counted that day in a
18 transfer case which shall be secured by the sheriff of the county in
19 the same manner as provided in Section 8-110 of this title. The
20 vote data pack shall be sealed in a container prescribed by the
21 Secretary of the State Election Board. The sheriff shall secure the
22 sealed vote data pack container and return it to the in-person
23 absentee voting board no later than 7:45 a.m. on the next day of
24 in-person absentee voting or to the secretary of the county election

1 board at the time of the county election board meeting to count
2 absentee ballots on election day;

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

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

12 SECTION 3. This act shall become effective November 1, 2007.

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