

1 STATE OF OKLAHOMA

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

3 COMMITTEE SUBSTITUTE
4 FOR ENGROSSED
5 SENATE BILL NO. 1019

By: Sykes of the Senate

and

6 Johnson (Dennis) of the
7 House

8
9 COMMITTEE SUBSTITUTE

10 (elections- requirements of certain ballot title -
11 voter identification - codification -
12 effective date)

13
14
15
16 BE IT ENACTED BY THE PEOPLE OF THE STATE OF OKLAHOMA:

17 SECTION 1. NEW LAW A new section of law to be codified
18 in the Oklahoma Statutes as Section 388 of Title 19, unless there is
19 created a duplication in numbering, reads as follows:

20 A. When a county of this state is authorized to submit a
21 proposition for approval by the registered voters of the respective
22 county, whether by special election or otherwise, that will require
23 a ballot title, it shall be the duty, in addition to any other
24 duties required by law, of the county commissioners submitting the

1 measure to prepare and file one copy of the measure with the
2 district attorney of the county.

3 B. The county commissioners submitting the measure shall also
4 submit a suggested ballot title which shall be filed on a separate
5 sheet of paper and shall not be deemed part of the petition. The
6 suggested ballot title:

7 1. Shall not exceed two hundred (200) words;

8 2. Shall explain in basic words, which can be easily found in
9 dictionaries of general usage, the effect of the proposition;

10 3. Shall be written on the eighth-grade reading comprehension
11 level;

12 4. Shall not contain any words which have a special meaning for
13 a particular profession or trade not commonly known to the citizens
14 of this state;

15 5. Shall not reflect partiality in its composition or contain
16 any argument for or against the measure;

17 6. In tax-related propositions, the proposition shall detail
18 all known direct and indirect increases and decreases affecting the
19 tax code;

20 7. In tax-related propositions, the proposition shall use the
21 word "increase" when an increase in a tax may depend on the passage
22 or failure of the proposition;

23

24

1 8. Shall contain language which clearly states that a "yes"
2 vote is a vote in favor of the proposition and a "no" vote is a vote
3 against the proposition; and

4 9. Shall not contain language whereby a "yes" vote is, in fact,
5 a vote against the proposition and a "no" vote is, in fact, a vote
6 in favor of the proposition.

7 C. The district attorney of the county for which a measure has
8 been proposed shall review the filing required by subsections A and
9 B of this section for legal correctness. Within five (5) days, the
10 district attorney shall notify, in writing, the county commissioners
11 whether or not the proposed ballot title complies with applicable
12 laws.

13 SECTION 2. NEW LAW A new section of law to be codified
14 in the Oklahoma Statutes as Section 388.1 of Title 19, unless there
15 is created a duplication in numbering, reads as follows:

16 It shall be the duty of the county commissioners of the county
17 with a proposition, not less than five (5) days before any election
18 held throughout the county at which any proposed law or part of an
19 act is to be submitted to the people of the county for their
20 approval or rejection as provided in Section 1 of this act, to cause
21 to be published once in a newspaper of general circulation in the
22 county, a copy of all ballots on measures and an explanation of how
23 to vote for or against propositions. The county commissioners shall
24 designate the newspaper in which the publication shall be made. The

1 publication shall be paid for at the legal rate for other
2 publications, out of any funds of the county appropriated therefor.

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

5 Section 7-114. A. Each person ~~presenting himself~~ arriving to
6 vote shall announce his the person's name either by voice or in
7 writing to the judge of the precinct and shall provide proof of
8 identity to the judge, whereupon the judge shall determine whether
9 said person's name is in the precinct registry. A document,
10 containing a photograph of the voter, issued by the state, the
11 federal government, a county, a municipality, or a federally
12 recognized Indian tribe may be used to show 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 in
24

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

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 2006, 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, as provided in subsection A of Section 7-114 of this
17 title. If the person is unable to produce proof of identity, the
18 person shall be allowed to vote pursuant to subsection B of Section
19 7-114 of this title. Any person falsely swearing or affirming such
20 statement shall be subject to the penalty provided in subsection B
21 of Section 7-114 of this title.

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

1 on Saturday immediately preceding a state or federal election. If
2 the secretary of a county election board receives an application
3 from a registered voter requesting to vote by in-person absentee
4 ballot the secretary shall cause to be implemented the following
5 procedures:

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

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

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

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

24

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

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

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

23
24

1 SECTION 5. This act shall become effective November 1, 2007.

2
3 51-1-7906 LRB 04/17/07
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24