

SB 1150

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THE STATE SENATE
Monday, February 25, 2008

Senate Bill No. 1150
As Amended

SENATE BILL NO. 1150 - By: FORD of the Senate and TIBBS of the House.

[elections - general administration of elections - identity - 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~~ appearing to vote shall announce ~~his~~ that person's name to the judge of the precinct and shall provide proof of identity, whereupon the judge shall determine whether ~~said~~ the person's name is in the precinct registry. The voter's valid voter identification card, driver license, passport, state identification card, a photocopy of a current utility bill, bank statement, government check, paycheck, or other government document that shows the voter's name and address may be used as 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

1 the person is the person identified on the precinct registry, and
2 shall be allowed to vote.

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

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

10 SECTION 2. AMENDATORY 26 O.S. 2001, Section 14-113.2, as
11 last amended by Section 11, Chapter 485, O.S.L. 2003 (26 O.S. Supp.
12 2007, Section 14-113.2), is amended to read as follows:

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

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

18 2. Provide proof of identity;

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

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

1 5. Seal the plain opaque envelope inside the envelope bearing
2 the affidavit and return both envelopes, sealed inside the return
3 envelope, by United States mail or by a private mail service,
4 provided such service has delivery documentation, to the county
5 election board.

6 A photocopy of the voter's valid voter identification card,
7 driver license, passport, state identification card, current utility
8 bill, bank statement, government check, paycheck, or other
9 government document that shows the voter's name and address may be
10 used as proof of identity.

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

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

20 Section 14-115.1 A registered voter who becomes incapacitated
21 after 5:00 p.m. on Tuesday preceding an election, and is unable to
22 vote in person at the appropriate precinct on the day of the
23 election, may make a written request for an absentee ballot. The

1 request shall be signed by the voter, or signed by a witness at the
2 voter's direction if the voter is unable to sign his or her name,
3 and shall be transmitted to the secretary of the county election
4 board. The person transmitting ~~said~~ the request on behalf of the
5 voter may be anyone of the voter's choosing at least sixteen (16)
6 years of age; provided, ~~said~~ the person is not employed by nor
7 related within the third degree of consanguinity or affinity to any
8 person whose name appears on the ballot. The person becomes the
9 voter's agent for purposes of voting by absentee ballot. The
10 voter's request must be accompanied by a sworn statement by a duly
11 licensed physician. Expected or likely confinement for childbirth
12 on election day is sufficient cause to entitle a voter to vote
13 absentee pursuant to this section. The statement must attest to the
14 fact that the voter is in fact unable to vote in person at the
15 appropriate precinct on the day of the election because of a
16 physical incapacity and that ~~said~~ the physical incapacity originated
17 after 5:00 p.m. on Tuesday preceding an election. Upon receipt of
18 the voter's request and accompanying sworn statement, the secretary
19 of the county election board shall issue to the voter's agent the
20 appropriate ballots and envelopes required for voting by
21 incapacitated voters. The ballots and proof of identification must
22 be returned by the agent to the secretary of the county election
23 board no later than 7:00 p.m. on the day of the election. No person

1 may be the agent for more than one voter at any election. Upon
2 return of the absentee ballots, the secretary of the county election
3 board shall cause ~~said~~ such ballots to be processed in the same
4 manner as is prescribed for other absentee ballots. A photocopy of
5 the voter's valid voter identification card, driver license,
6 passport, state identification card, current utility bill, bank
7 statement, government check, paycheck, or other government document
8 that shows the voter's name and address may be used as proof of
9 identity.

10 **SECTION 4. NEW LAW A new section of law to be codified**
11 **in the Oklahoma Statutes as Section 7-115.3 of Title 26, unless**
12 **there is created a duplication in numbering, reads as follows:**

13 This act shall be known and may be cited as the "Oklahoma Voter
14 Verification and Election Integrity Act".

15 **SECTION 5. NEW LAW A new section of law to be codified**
16 **in the Oklahoma Statutes as Section 7-115.4 of Title 26, unless**
17 **there is created a duplication in numbering, reads as follows:**

18 A. A person who is eligible to register to vote may register on
19 election day by appearing in person at the polling place for the
20 precinct in which the individual resides and completing a voter
21 registration application, making written oath, and providing proof
22 of identity.

1 B. For purposes of this section, a person may establish
2 identity by presenting to a precinct or any election official any of
3 the following:

4 1. A current and valid government I.D.;

5 2. An Oklahoma driver license;

6 3. An Oklahoma non-operator's identification card;

7 4. A residential lease or utility bill that shows the name and
8 address of the voter;

9 5. A student identification card from a postsecondary
10 educational institution in Oklahoma;

11 6. A copy of a bank statement, government check, paycheck, or
12 other government document that shows the name and address of the
13 voter; or

14 7. Any current and valid form of photographic identification
15 approved by the State Election Board. If the photographic
16 identification presented does not contain the person's current
17 address in the precinct, the person may be requested to present a
18 current document that shows the person's name and address in the
19 precinct.

20 C. In lieu of subsection B of this section, a person wishing to
21 vote may establish identity and residency in the precinct by written
22 oath of a person who is registered to vote in the precinct. The
23 registered voter's oath shall attest to the stated identity of the

1 person wishing to vote and that the person is a current resident of
2 the precinct. The oath must be signed by the attesting registered
3 voter in the presence of any precinct election official.

4 D. The oath required pursuant to subsection A and subsection C
5 of this section shall be attached to the voter registration
6 application, and the information contained in the oath shall be
7 recorded on the voter registration records of the person registering
8 to vote and on the voter registration records of the registered
9 voter attesting by oath on behalf of a person registering to vote if
10 applicable.

11 E. At any time before election day, a person who appears in
12 person at the their county election board office or at a satellite
13 absentee voting station after the deadline for registration in
14 Section 4-110.1 of Title 26 of the Oklahoma Statutes, may register
15 to vote and vote an absentee ballot by following the procedure in
16 this section for registering to vote on election day. A person who
17 wishes to vote in person at the polling place on election day and
18 who has not registered to vote before the deadline is required to
19 register to vote at the polling place on election day following the
20 procedure in this section.

21 **SECTION 6. NEW LAW A new section of law to be codified**
22 **in the Oklahoma Statutes as Section 7-115.5 of Title 26, unless**
23 **there is created a duplication in numbering, reads as follows:**

1 A. A person whose name does not appear on the election register
2 of the precinct in which that person claims the right to vote shall
3 not be permitted to vote, unless the person affirms that the person
4 is currently registered in the county and presents proof of
5 identity, or a county elections board official informs a precinct
6 election official that an error has occurred and that the person is
7 a registered voter of that precinct. If the county election board
8 office finds no record of the person's registration but the person
9 insists that the person is a registered voter of that precinct, the
10 precinct election officials shall allow the person to cast a ballot.
11 If the voter informs the precinct election official that the voter
12 resides in the precinct and is not registered to vote, the voter may
13 register to vote and cast a ballot. If such a voter is unable to
14 establish identity and in the manner provided in Section 5 of this
15 act, the voter shall be allowed to cast a provisional ballot.

16 B. A person who has been sent an absentee ballot by mail but
17 for any reason has not received it shall be permitted to cast a
18 ballot in person.

19 C. Election day registration provided in this section shall
20 apply to all elections conducted under Title 26 of the Oklahoma
21 Statutes, including national, state, municipal and school district
22 elections.

1 SECTION 7. AMENDATORY 26 O.S. 2001, Section 14-115.4, as
2 last amended by Section 8, Chapter 307, O.S.L. 2004 (26 O.S. Supp.
3 2007, Section 14-115.4), is amended to read as follows:

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

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

1 from a registered voter requesting to vote by in-person absentee
2 ballot the secretary shall cause to be implemented the following
3 procedures:

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

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

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

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

22 5. When the in-person polling place is closed on each day of
23 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 8. This act shall become effective January 1, 2009.

22 COMMITTEE REPORT BY: COMMITTEE ON APPROPRIATIONS, dated 2-20-08 - DO
23 PASS, As Amended and Coauthored.