

1 STATE OF OKLAHOMA

2 2nd Session of the 51st Legislature (2008)

3 HOUSE BILL 2956

By: Tibbs

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5
6 AS INTRODUCED

7 An Act relating to elections; amending 26 O.S. 2001,
8 Sections 7-114 and 14-115.4, as last amended by
9 Section 8, Chapter 307, O.S.L. 2004 (26 O.S. Supp.
10 2007, Section 14-115.4), which relate to voting;
11 requiring presentment of proof of identity when
12 voting; providing for proof of identity; allowing
13 persons without proof of identity to vote and
14 providing procedure therefor; providing penalty for
15 false statements; and providing an effective date.

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

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

19 Section 7-114. A. Each person ~~presenting himself~~ arriving to
20 vote shall announce ~~his~~ the person's name to the judge of the
21 precinct and shall provide proof of identity to the judge, whereupon
22 the judge shall determine whether said person's name is in the
23 precinct registry. The following forms of picture identification
24 may be used to show proof of identity:

1. Oklahoma driver license;

1 2. Oklahoma identification card issued by the Department of
2 Public Safety;

3 3. An identification card issued by a federally recognized
4 Indian tribe;

5 4. United States passport;

6 5. Debit or credit card;

7 6. Military identification;

8 7. Student identification; and

9 8. Public assistance identification.

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

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

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

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1 SECTION 2. 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, as provided in subsection A of Section 7-114 of this
15 title. If the person is unable to produce proof of identity, the
16 person shall be allowed to vote pursuant to subsection B of Section
17 7-114 of this title. Any person falsely swearing or affirming such
18 statement shall be subject to the penalty provided in subsection B
19 of Section 7-114 of this title.

20 B. One or more absentee voting boards shall be on duty from 8
21 a.m. to 6 p.m. at the in-person absentee polling place on Friday and
22 Monday immediately preceding any election and from 8 a.m. to 1 p.m.
23 on Saturday immediately preceding a state or federal election. If
24 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 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,
24 without obtaining a printout of results, remove the vote data pack

1 from the voting device and seal ballots counted that day in a
2 transfer case which shall be secured by the sheriff of the county in
3 the same manner as provided in Section 8-110 of this title. The
4 vote data pack shall be sealed in a container prescribed by the
5 Secretary of the State Election Board. The sheriff shall secure the
6 sealed vote data pack container and return it to the in-person
7 absentee voting board no later than 7:45 a.m. on the next day of
8 in-person absentee voting or to the secretary of the county election
9 board at the time of the county election board meeting to count
10 absentee ballots on election day;

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

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

20 SECTION 3. This act shall become effective November 1, 2008.

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22 51-2-9662 LRB 01/12/08

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