

1 STATE OF OKLAHOMA

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

3 SENATE BILL 1520

By: Reynolds

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5
6 AS INTRODUCED

7 An Act relating to elections; amending 26 O.S. 2001,
8 Sections 7-114, 14-108, as last amended by Section
9 17, Chapter 5, O.S.L. 2004, 14-113.2, as last amended
10 by Section 11, Chapter 485, O.S.L. 2003, 14-115, as
11 last amended by Section 12, Chapter 485, O.S.L. 2003,
12 14-115.1 and 14-115.4, as last amended by Section 8,
13 Chapter 307, O.S.L. 2004 (26 O.S. Supp. 2007,
14 Sections 14-108, 14-113.2, 14-115 and 14-115.4),
15 which relate to general administration of elections,
16 conduct of elections, and absentee voting; requiring
17 voter to provide proof of identity and residence
18 under certain circumstances; specifying documents
19 constituting such proof; requiring proof of identity
20 and place of residence with absentee ballots;
21 providing an effective date.

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

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

25 Section 7-114. Each person ~~presenting himself~~ wishing to vote
26 shall announce ~~his~~ that person's name to the judge of the precinct
27 and, if requested by the judge of the precinct, shall provide proof
28 of identity and residence to the judge, whereupon the judge shall
29 determine whether said person's name is in the precinct registry. A

1 photocopy of the driver license or state identification card may be
2 used to show proof of identity and place of residence.

3 SECTION 2. AMENDATORY 26 O.S. 2001, Section 14-108, as
4 last amended by Section 17, Chapter 5, O.S.L. 2004 (26 O.S. Supp.
5 2007, Section 14-108), is amended to read as follows:

6 Section 14-108. A. The voter shall be required to mark the
7 ballot in ink or other manner as prescribed by the Secretary of the
8 State Election Board; seal the ballots in the plain opaque envelope;
9 fill out completely and sign the affidavit, such signature to be
10 notarized at no charge by a notary public; provide proof of identity
11 and residence; seal the plain opaque envelope inside the envelope
12 bearing the affidavit and return both envelopes, sealed inside the
13 return envelope, by United States mail or by a private mail service,
14 provided such service has delivery documentation, to the county
15 election board. No person who is a candidate for an office on the
16 ballot or who is the chair or treasurer of the campaign of a
17 candidate for office or who is related within the third degree of
18 consanguinity or affinity to a candidate on the ballot may witness
19 any absentee ballot affidavit. A photocopy of the driver license or
20 state identification card may be used to show proof of identity and
21 place of residence.

22 B. The ballot shall not be notarized by any person whose name
23 appears on the ballot as a candidate or by any campaign chairperson
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1 or campaign treasurer for a candidate whose name appears on the
2 ballot.

3 SECTION 3. AMENDATORY 26 O.S. 2001, Section 14-113.2, as
4 last amended by Section 11, Chapter 485, O.S.L. 2003 (26 O.S. Supp.
5 2007, Section 14-113.2), is amended to read as follows:

6 Section 14-113.2 A. The voter shall be responsible for marking
7 the ballots or directing a person chosen by the voter to mark the
8 ballots in accordance with the provisions of Section 7-123.3 of this
9 title and as prescribed by the Secretary of the State Election
10 Board; provide proof of identity and residence; seal the ballots in
11 the plain opaque envelope; fill out completely and sign the
12 affidavit or direct a person chosen by the voter to sign the
13 affidavit, such signature to be witnessed by two persons, who did
14 not sign the affidavit, whose signature and address shall appear on
15 the affidavit; seal the plain opaque envelope inside the envelope
16 bearing the affidavit and return both envelopes, sealed inside the
17 return envelope, by United States mail or by a private mail service,
18 provided such service has delivery documentation, to the county
19 election board. A photocopy of the driver license or state
20 identification card may be used to show proof of identity and place
21 of residence.

22 B. No person, except members of absentee voting boards, shall
23 witness the signature of more than five affidavits of persons who
24 swear they are physically incapacitated and unable to vote in person

1 at their precinct on election day. No person who is a candidate for
2 an office on the ballot or who is related within the third degree of
3 consanguinity or affinity to a candidate on the ballot may witness
4 any absentee ballot affidavit.

5 SECTION 4. AMENDATORY 26 O.S. 2001, Section 14-115, as
6 last amended by Section 12, Chapter 485, O.S.L. 2003 (26 O.S. Supp.
7 2007, Section 14-115), is amended to read as follows:

8 Section 14-115. If the secretary of a county election board
9 receives a request from an incapacitated elector confined to a
10 nursing facility, as defined in Section 1-1902 of Title 63 of the
11 Oklahoma Statutes, within the county of the jurisdiction of the
12 secretary, the secretary shall cause to be implemented the following
13 procedures:

14 1. On the Thursday, Friday, Saturday or Monday preceding the
15 election, the absentee voting board shall deliver to each registered
16 voter who is confined to a nursing facility, as defined in Section
17 1-1902 of Title 63 of the Oklahoma Statutes, and who requested
18 ballots for an incapacitated voter said ballots and materials as may
19 be necessary to vote same.

20 2. The voter must mark the ballots in the manner hereinbefore
21 provided in the presence of the absentee voting board, but in such a
22 manner as to make it impossible for any person other than the voter
23 to ascertain how said ballots are marked. Insofar as is possible,
24

1 the voting procedure shall be the same as if the voter were casting
2 a vote in person at a precinct.

3 3. The voter shall then seal said ballots in the plain opaque
4 envelope and shall seal said plain opaque envelope in the envelope
5 bearing an affidavit. The voter must complete said affidavit, and
6 the signature of the voter on same must be witnessed by both members
7 of the absentee voting board. The voter must also include proof of
8 identity and residence in the envelope bearing the affidavit. A
9 photocopy of the driver license or state identification card may be
10 used to show proof of identity and place of residence.

11 4. The envelope bearing ~~an~~ the affidavit and proof of identity
12 and residence then must be sealed in the return envelope, which
13 shall be returned by the absentee voting board to the secretary of
14 the county election board on the same day said affidavit was
15 executed.

16 5. Ballots cast in said manner shall be counted in the same
17 manner as regular mail absentee ballots.

18 SECTION 5. 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, is unable to vote
22 in person at the appropriate precinct on the day of the election may
23 make a written request for an absentee ballot. The request shall be
24 signed by the voter, or signed by a witness at the voter's direction

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

1 cause said ballots to be processed in the same manner as is
2 prescribed for other absentee ballots. A photocopy of the driver
3 license or state identification card may be used to show proof of
4 identity and place of residence.

5 SECTION 6. AMENDATORY 26 O.S. 2001, Section 14-115.4, as
6 last amended by Section 8, Chapter 307, O.S.L. 2004 (26 O.S. Supp.
7 2007, Section 14-115.4), is amended to read as follows:

8 Section 14-115.4 A. A registered voter may apply for an in-
9 person absentee ballot at a location designated by the secretary of
10 the county election board from 8 a.m. to 6 p.m. on Friday and Monday
11 immediately preceding any election and from 8 a.m. to 1 p.m. on
12 Saturday immediately preceding a state or federal election. As part
13 of the application for an in-person absentee ballot such registered
14 voter shall swear or affirm that the voter has not voted a regular
15 mail absentee ballot and that the voter will not vote at the regular
16 polling place in the election for which the in-person absentee
17 ballot is requested. The voter shall also provide proof of identity
18 and residence. A photocopy of the driver license or state
19 identification card may be used to show proof of identity and place
20 of residence.

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 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 7. This act shall become effective January 1, 2009.

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