

1 STATE OF OKLAHOMA

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

3 SENATE BILL 2033

By: Sykes

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5
6 AS INTRODUCED

7 An Act relating to elections; amending 26 O.S. 2001,
8 Sections 7-114, 14-113.2, as last amended by Section
9 11, Chapter 485, O.S.L. 2003, 14-115.1, 14-115.4, as
10 last amended by Section 8, Chapter 307, O.S.L. 2004
11 (26 O.S. Supp. 2007, Sections 14-113.2 and 14-115.4),
12 which relate to general administration of elections,
13 conduct of elections, and absentee voting; requiring
14 the voter to provide proof of identity; authorizing
15 certain documents that may be used as proof of
16 identity; making language gender neutral; requiring
17 proof of identity with absentee ballots; providing an
18 effective date; and declaring an emergency.

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. Each person ~~presenting himself~~ appearing to vote
23 shall announce ~~his~~ that person's name to the judge of the precinct
24 and shall provide proof of identity, whereupon the judge shall
25 determine whether ~~said~~ the person's name is in the precinct
26 registry. The voter's valid voter identification card, driver
27 license, passport, state identification card, a photocopy of a
28 current utility bill, bank statement, government check, paycheck, or

1 other government document that shows the voter's name and address
2 may be used as proof of identity.

3 SECTION 2. 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; seal the ballots in the plain
11 opaque envelope; fill out completely and sign the affidavit or
12 direct a person chosen by the voter to sign the affidavit, such
13 signature to be witnessed by two persons, who did not sign the
14 affidavit, whose signature and address shall appear on the
15 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 voter's valid voter
20 identification card, driver license, passport, state identification
21 card, current utility bill, bank statement, government check,
22 paycheck, or other government document that shows the voter's name
23 and address may be used as proof of identity.

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1 B. No person, except members of absentee voting boards, shall
2 witness the signature of more than five affidavits of persons who
3 swear they are physically incapacitated and unable to vote in person
4 at their precinct on election day. No person who is a candidate for
5 an office on the ballot or who is related within the third degree of
6 consanguinity or affinity to a candidate on the ballot may witness
7 any absentee ballot affidavit.

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

10 Section 14-115.1 A registered voter who becomes incapacitated
11 after 5:00 p.m. on Tuesday preceding an election, and is unable to
12 vote in person at the appropriate precinct on the day of the
13 election, may make a written request for an absentee ballot. The
14 request shall be signed by the voter, or signed by a witness at the
15 voter's direction if the voter is unable to sign his or her name,
16 and shall be transmitted to the secretary of the county election
17 board. The person transmitting ~~said~~ the request on behalf of the
18 voter may be anyone of the voter's choosing at least sixteen (16)
19 years of age; provided, ~~said~~ the person is not employed by nor
20 related within the third degree of consanguinity or affinity to any
21 person whose name appears on the ballot. The person becomes the
22 voter's agent for purposes of voting by absentee ballot. The
23 voter's request must be accompanied by a sworn statement by a duly
24 licensed physician. Expected or likely confinement for childbirth

1 on election day is sufficient cause to entitle a voter to vote
2 absentee pursuant to this section. The statement must attest to the
3 fact that the voter is in fact unable to vote in person at the
4 appropriate precinct on the day of the election because of a
5 physical incapacity and that ~~said~~ the physical incapacity originated
6 after 5:00 p.m. on Tuesday preceding an election. Upon receipt of
7 the voter's request and accompanying sworn statement, the secretary
8 of the county election board shall issue to the voter's agent the
9 appropriate ballots and envelopes required for voting by
10 incapacitated voters. The ballots and proof of identification must
11 be returned by the agent to the secretary of the county election
12 board no later than 7:00 p.m. on the day of the election. No person
13 may be the agent for more than one voter at any election. Upon
14 return of the absentee ballots, the secretary of the county election
15 board shall cause ~~said~~ such ballots to be processed in the same
16 manner as is prescribed for other absentee ballots. A photocopy of
17 the voter's valid voter identification card, driver license,
18 passport, state identification card, current utility bill, bank
19 statement, government check, paycheck, or other government document
20 that shows the voter's name and address may be used as proof of
21 identity.

22 SECTION 4. AMENDATORY 26 O.S. 2001, Section 14-115.4, as
23 last amended by Section 8, Chapter 307, O.S.L. 2004 (26 O.S. Supp.
24 2007, Section 14-115.4), is amended to read as follows:

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

16 B. One or more absentee voting boards shall be on duty from 8
17 a.m. to 6 p.m. at the in-person absentee polling place on Friday and
18 Monday immediately preceding any election and from 8 a.m. to 1 p.m.
19 on Saturday immediately preceding a state or federal election. If
20 the secretary of a county election board receives an application
21 from a registered voter requesting to vote by in-person absentee
22 ballot, the secretary shall cause to be implemented the following
23 procedures:
24

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

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

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

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

19 5. When the in-person polling place is closed on each day of
20 in-person absentee voting the in-person absentee voting board shall,
21 without obtaining a printout of results, remove the vote data pack
22 from the voting device and seal ballots counted that day in a
23 transfer case which shall be secured by the sheriff of the county in
24 the same manner as provided in Section 8-110 of this title. The

1 vote data pack shall be sealed in a container prescribed by the
2 Secretary of the State Election Board. The sheriff shall secure the
3 sealed vote data pack container and return it to the in-person
4 absentee voting board no later than 7:45 a.m. on the next day of
5 in-person absentee voting or to the secretary of the county election
6 board at the time of the county election board meeting to count
7 absentee ballots on election day;

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

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

17 SECTION 5. This act shall become effective July 1, 2008.

18 SECTION 6. It being immediately necessary for the preservation
19 of the public peace, health and safety, an emergency is hereby
20 declared to exist, by reason whereof this act shall take effect and
21 be in full force from and after its passage and approval.

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