

1 ENGROSSED HOUSE AMENDMENT
TO
2 ENGROSSED SENATE BILL NO. 1910 By: Ford of the Senate

3 and
4 Jackson of the House
5

6
7 An Act relating to elections; amending 26 O.S. 2001,
8 Sections 2-111, 3-104, 4-110.1, 4-114, 4-115.1, 4-
9 116, 4-120.1, 4-120.2, 4-120.3, as last amended by
10 Section 3, Chapter 307, O.S.L. 2004, 6-102.1, 6-106,
11 6-111, 7-107, 7-120, 7-127, 7-130, as amended by
12 Section 7, Chapter 307, O.S.L. 2004, 7-132, 7-132.2
13 and 14-107 (26 O.S. Supp. 2009, Sections 4-120.3 and
14 7-130), which relate to county and precinct election
15 boards, election administration, voter registration,
16 ballots, conduct of elections and absentee voting;
17 providing alternate procedure for nominations for
18 county election boards; * * * and providing an
19 effective date.

20
21
22 AMENDMENT NO. 1. Strike the title, enacting clause and entire bill
23 and insert

24
"An Act relating to elections; amending 26 O.S. 2001,
Sections 2-111, 2-118, as last amended by Section 1,
Chapter 83, 2nd Extraordinary Session, O.S.L. 2006,
3-104, 4-110.1, 4-114, 4-115.1, 4-116, 4-120.1, 4-
120.2, 4-120.3, as last amended by Section 3,
Chapter 307, O.S.L. 2004, 6-102.1, 6-106, 6-111, 7-
107, 7-120, 7-127, 7-130, as amended by Section 7,
Chapter 307, O.S.L. 2004, 7-132, 7-132.2 and 14-107
(26 O.S. Supp. 2009, Sections 2-118, 4-120.3 and 7-
130), which relate to county and precinct election
boards, election administration, voter registration,
ballots, conduct of elections and absentee voting;
providing alternate procedure for nominations for

1 county election boards; allowing for supplemental
2 compensation of county election board secretaries;
3 updating statutory references; deleting and
4 modifying references to Oklahoma Election Management
5 System; modifying procedures for removal of voter
6 name from registration database; specifying
7 requirements for removal notice; modifying voters
8 required to be sent address confirmation; modifying
9 procedures for cancellation of voter registration of
10 deceased voter; granting certain authority to
11 funeral director; modifying definition; modifying
12 manner of printing ballot cards for General
13 Election; modifying reference to device for
14 obtaining ballot totals and printouts; allowing
15 voter to insert ballot card into secrecy folder;
16 modifying rules governing ballot counting;
17 recodifying language relating to notary fees for
18 certifying absentee ballots; modifying procedures
19 for certification of voting results; requiring
20 certain notice to accompany absentee ballot;
21 amending 49 O.S. 2001, Section 5, as last amended by
22 Section 2, Chapter 101, O.S.L. 2004 (49 O.S. Supp.
23 2009, Section 5), which relates to notaries public;
24 prohibiting charging of fee for notarization of
official absentee ballot affidavit; repealing 26
O.S. 2001, Sections 7-125, 7-132.1 and 7-133.1,
which relate to counting of ballots; and providing
an effective date.

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

SECTION 1. AMENDATORY 26 O.S. 2001, Section 2-111, is
amended to read as follows:

Section 2-111. The State Election Board shall appoint two
members of each county election board, and two alternates, to serve
terms of four (4) years each. No later than April 15, 1975, and
every four (4) years thereafter, the county central committees of
the two political parties with the largest number of registered

1 voters in the state, based upon the latest January 15 registration
2 report, shall each submit to the State Election Board a nominee for
3 membership on the county election board and a nominee to serve as
4 the alternate. The nominations must be submitted in writing and
5 signed by at least two members of each county central committee. If
6 the county central committee for a party in a county fails to submit
7 a nominee or if there is no county central committee for a party in
8 a county, the state central committee for the party may submit to
9 the State Election Board a nominee for membership on the county
10 election board and a nominee to serve as the alternate. The State
11 Election Board shall be confined to the nominees in making
12 appointments, one from each party, to the county election board and
13 one from each party to serve as the alternate. The appointments
14 shall be made no later than May 1, 1975, and every four (4) years
15 thereafter. If a county or state central committee fails to submit
16 nominees by April 15, the State Election Board shall appoint a
17 member and alternate to the county election board from the ranks of
18 such party within the county. Alternates shall serve on the county
19 election board at any meeting that the member for whom the person is
20 an alternate is unable to attend. In the event of a vacancy, the
21 State Election Board shall, within sixty (60) days after such
22 vacancy occurs, appoint a member of the same party to fill the
23 unexpired term, based on a nomination submitted by the party's
24 county central committee in the manner hereinbefore provided within

1 thirty (30) days after the vacancy occurs. Should a county or state
2 central committee fail to submit a nominee within the prescribed
3 period of time, the State Election Board shall appoint a member of
4 the county election board from the ranks of ~~said~~ the party within
5 the county. Vacancies shall occur when a member fails to attend
6 five consecutive meetings of the board or when a member changes the
7 member's party affiliation. It shall be the duty of the other two
8 members of the board to notify the Secretary of the State Election
9 Board should ~~such~~ a vacancy occur. ~~Said~~ A vacancy shall be filled
10 in the manner hereinbefore provided.

11 SECTION 2. AMENDATORY 26 O.S. 2001, Section 2-118, as
12 last amended by Section 1, Chapter 83, 2nd Extraordinary Session,
13 O.S.L. 2006 (26 O.S. Supp. 2009, Section 2-118), is amended to read
14 as follows:

15 Section 2-118. A. ~~The~~ Except as provided by subsection C of
16 this section the secretary of each county election board shall be
17 paid an annual salary to be determined by the following schedule.
18 However, the salary of a county election board secretary shall not
19 fall below the level of the April 30, 2003, salary, and the salary
20 of any person who is reappointed to the position of county election
21 board secretary shall not fall below the salary received in the
22 immediately preceding term, regardless of the number of active
23 registered voters in the county. A county election board secretary
24 serving on April 30, 2004, shall not receive a salary increase if

1 said secretary is paid an amount greater than the salary indicated
2 in this section according to the number of registered voters in said
3 county. A county election board secretary shall not receive a
4 salary increase while the county is under the administrative
5 supervision of the State Election Board.

6 1. Beginning May 1, 2003 and ending April 30, 2007, the annual
7 salary, payable monthly shall be:

8	Registered Voters	Salary
9	0 to 10,000	\$21,588.28
10	10,001 to 15,000	\$22,388.28
11	15,001 to 17,500	\$26,252.45
12	17,501 to 25,000	\$29,429.93
13	25,001 to 50,000	\$35,846.94
14	50,001 to 75,000	\$45,174.66
15	75,001 to 150,000	\$50,611.26
16	150,001 or more	\$56,043.00

17 2. Beginning May 1, 2007, the annual salary, payable monthly
18 shall be:

19	Registered Voters	Salary
20	0 to 10,000	\$22,667.69
21	10,001 to 15,000	\$23,507.68
22	15,001 to 17,500	\$27,565.07
23	17,501 to 25,000	\$30,901.43
24	25,001 to 50,000	\$37,639.29

1	50,001 to 75,000	\$47,433.39
2	75,001 to 150,000	\$53,141.82
3	150,001 or more	\$58,845.15

4 B. The salary and fringe benefits paid to each secretary shall
5 be paid from county funds on a monthly basis and shall be reimbursed
6 from funds appropriated by the Legislature for that purpose at a
7 rate of not to exceed one hundred thirty-five percent (135%) of the
8 above-specified salaries. Claims for said reimbursement shall be
9 filed according to procedures prescribed by the Secretary of the
10 State Election Board and approved by the Director of the Office of
11 State Finance. Said claims for reimbursement shall only be paid for
12 actual expenditures made by the county. The number of registered
13 voters, for the purposes of this section, shall be determined by the
14 number of registered voters, excluding inactive voters, in the
15 county on January 1, 1979, and every two (2) years thereafter.

16 C. The provisions of this section shall not preclude a county
17 from providing additional compensation, payable from county funds,
18 to the secretary of the county election board; provided, any such
19 additional compensation shall not be considered part of the
20 secretary's salary, and shall not be reimbursed by the State
21 Election Board.

22 SECTION 3. AMENDATORY 26 O.S. 2001, Section 3-104, is
23 amended to read as follows:
24

1 Section 3-104. The cost of rent for polling places, absentee
2 ballot boxes, locks and keys, voting booths and United States flags
3 shall be paid from county funds. The costs of notice and
4 acknowledgement mailings as required in Sections ~~8 and 14~~ 4-103.1
5 and 4-113 of this ~~act~~ title shall be paid from county funds. The
6 cost of central registries, maps and other materials required to be
7 maintained by the county election board shall be paid from county
8 funds. The cost of other supplies necessary for the conduct of
9 state elections shall be paid from state funds. The purchase and
10 maintenance of computer hardware, software, voting devices and
11 related supplies used in the Oklahoma Election Management System
12 shall be paid from state funds. The cost of confirmation mailings
13 required in Section ~~21~~ 4-120.2 of this ~~act~~ title shall be paid from
14 state funds.

15 SECTION 4. AMENDATORY 26 O.S. 2001, Section 4-110.1, is
16 amended to read as follows:

17 Section 4-110.1 A. Voter registration applications may be
18 submitted at any time. However, completed applications received by
19 the State Election Board, any county election board, any agency
20 designated to accept voter registration applications or any motor
21 license agent as part of a driver's license or identification card
22 application twenty-four (24) days prior to an election; any mail
23 application postmarked twenty-four (24) days or less prior to an
24 election or any mail application received without a postmark

1 nineteen (19) days or less prior to an election shall not be
2 approved for that election if the applicant's residence is located
3 within the geographical boundaries of the entity for which the
4 election is being conducted.

5 B. No more than seven (7) days after any election, each county
6 election board secretary for the county of the applicant's residence
7 shall mail a notice of disposition as required in Section ~~§~~ 4-103.1
8 of this ~~act~~ title to all persons whose voter registration
9 applications were received twenty-four (24) days or less prior to
10 the election.

11 C. Registration for voting purposes occurs when a completed
12 voter registration application is approved by the county election
13 board secretary for the county ~~or~~ of the applicant's residence and
14 on the date that the information is entered into the ~~Oklahoma~~
15 ~~Election Management System~~ voter registration database for the
16 county of the applicant's residence.

17 D. Registration for candidate filing or party affiliation
18 purposes occurs at the earliest time the completed voter
19 registration application is received at the State Election Board,
20 any county election board, any agency designated to accept voter
21 registration applications or any Motor License Agent as part of a
22 driver's license or identification card application provided that
23 the application subsequently is approved by the secretary of the
24 county election board for the county of the applicant's residence;

1 or, in the case of mail applications, registration for candidate
2 filing or party affiliation purposes shall occur at the time when
3 the completed voter registration application is postmarked provided
4 that the application subsequently is approved by the secretary of
5 the county election board for the county of the applicant's
6 residence; or in the case of a mail application received without a
7 postmark, registration for candidate filing or party affiliation
8 purposes shall occur at the earliest time when the completed
9 application is received by the State Election Board or any county
10 election board provided that the application is subsequently
11 approved by the secretary of the county election board for the
12 county of the applicant's residence.

13 SECTION 5. AMENDATORY 26 O.S. 2001, Section 4-114, is
14 amended to read as follows:

15 Section 4-114. The secretary of each county election board
16 shall cause the registration information of every registered voter
17 in ~~said~~ the county to be entered into the ~~Oklahoma Election~~
18 ~~Management System~~ voter registration database.

19 SECTION 6. AMENDATORY 26 O.S. 2001, Section 4-115.1, is
20 amended to read as follows:

21 Section 4-115.1 The secretary of each county election board is
22 authorized to correct clerical or administrative errors in the
23 ~~Oklahoma Election Management System~~ voter registration database and
24 to conform voter registration information to recognized standards,

1 as determined by the Secretary of the State Election Board, for
2 promotion of uniformity and consistency in address designations. No
3 corrections shall be made to the original registration form signed
4 by the voter except as provided by law or rule of the State Election
5 Board.

6 SECTION 7. AMENDATORY 26 O.S. 2001, Section 4-116, is
7 amended to read as follows:

8 Section 4-116. If a registered voter of a county changes his or
9 her residence to another precinct within the same county, he or she
10 shall be entitled to transfer his or her registration in a manner
11 prescribed by the Secretary of the State Election Board. The
12 secretary of the county election board shall change the registration
13 information of such registered voter in the ~~Oklahoma Election~~
14 ~~Management System~~ voter registration database and shall issue a new
15 voter identification card to the voter. Information given by the
16 voter shall be under oath.

17 SECTION 8. AMENDATORY 26 O.S. 2001, Section 4-120.1, is
18 amended to read as follows:

19 Section 4-120.1 A registered voter may have his or her name
20 removed from the ~~registries of a county~~ voter registration database
21 by executing a ~~personally signed and notarized~~ written notice for
22 same to the Secretary of the State Election Board or any county
23 election board. Such written notice shall be personally signed by
24

1 the voter and either shall be notarized or shall be witnessed by two
2 persons whose names and addresses shall be included on the notice.

3 SECTION 9. AMENDATORY 26 O.S. 2001, Section 4-120.2, is
4 amended to read as follows:

5 Section 4-120.2 A. No later than June 1 of each odd-numbered
6 year and for the previous twenty-four (24) months, any voter for
7 whom a first-class mailing from the county election board was
8 returned, any voter identified by the Secretary of the State
9 Election Board as a potential duplicate voter in another county in
10 this state or in another state, any voter who has surrendered his or
11 her Oklahoma driver license to the Department of Public Safety upon
12 being issued a driver license in another state, and any active
13 registered voter who did not vote in the second previous general
14 election or any election conducted by a county election board since
15 the second previous general election and who has initiated no voter
16 registration change, shall be sent an address confirmation mailing
17 prescribed by the Secretary of the State Election Board and paid for
18 by the state. Voters who do not respond to the confirmation mailing
19 or whose mailing is returned as nonforwardable shall be designated
20 as inactive sixty (60) days after the mailing. An inactive voter's
21 status shall be changed to active under the following conditions:
22 1. With any registration change initiated by the voter; or
23 2. By voting in any election conducted by a county election
24 board.

1 An inactive voter who does not vote in any election conducted by
2 a county election board during the period beginning on the date of
3 the confirmation mailing and ending on the day after the date of the
4 second successive general election for federal office shall be
5 removed as a registered voter and all the information on that voter
6 shall be destroyed. Each county election board secretary shall
7 maintain a list of the names and addresses of all persons sent a
8 confirmation mailing as described in this section and information on
9 whether or not each such person has responded to the notice. ~~Said~~
10 The list shall be maintained for twenty-four (24) months following
11 the date of the second successive federal general election after the
12 date of the confirmation mailing.

13 B. The secretary of each county election board shall cause all
14 inactive voters in a precinct to be identified on the precinct
15 registry.

16 C. No later than June 1 of each odd-numbered year, the
17 Secretary of the State Election Board shall identify duplicate voter
18 registrations in the state and shall direct appropriate county
19 election board secretaries to cancel the voter registration of all
20 but the latest registration of duplicate voter registrations. Each
21 county election board secretary shall maintain for twenty-four (24)
22 months a list of the names and addresses of all canceled duplicate
23 voter registrations. For the purposes of this subsection, duplicate
24

1 voter registrations are those registrations which contain the
2 following identical information on more than one registration:

- 3 1. First name, middle name or initial, last name, and date of
4 birth;
- 5 2. Driver license or social security number; or
- 6 3. Last name, date of birth, and the last four digits of the
7 social security number.

8 SECTION 10. AMENDATORY 26 O.S. 2001, Section 4-120.3, as
9 last amended by Section 3, Chapter 307, O.S.L. 2004 (26 O.S. Supp.
10 2009, Section 4-120.3), is amended to read as follows:

11 Section 4-120.3 The State Department of Health shall each month
12 transmit to the Secretary of the State Election Board a certified
13 list of all deaths of residents that have occurred within the state
14 for the immediately preceding month. The Secretary of the State
15 Election Board shall transmit such list to the secretary of the
16 county election board who shall then use such list to ascertain
17 those voters who are deceased, and shall thereafter remove such
18 deceased person's name from the central registry and ~~the Oklahoma~~
19 ~~Election Management System~~ voter registration database. Such list
20 shall be used only for the purposes hereinbefore described. In
21 addition, the registration of a deceased voter may be canceled by
22 the secretary of a county election board upon the receipt of a
23 certified copy of a death certificate or upon the execution by the
24 next of kin of such deceased voter of a form and upon the nature of

1 proof of the fact thereof as prescribed by the Secretary of the
2 State Election Board. Such form must be executed in person by the
3 deceased voter's next of kin at the county election board office, in
4 which case it shall be witnessed by the secretary or other
5 designated employees, at the deceased voter's precinct polling place
6 or at the next of kin's precinct polling place in the same county on
7 the day of any election, in which case it shall be witnessed by the
8 inspector of such precinct, or the form may be personally signed by
9 the next of kin, such signature to be notarized by a notary public
10 or witnessed by two persons whose signatures and addresses shall
11 appear on the form, and returned to the county election board. The
12 administrator of a nursing facility, as defined in Section 1-1902 of
13 Title 63 of the Oklahoma Statutes, or the administrator of a
14 veterans center established pursuant to Title 72 of the Oklahoma
15 Statutes also may execute a form prescribed by the Secretary of the
16 State Election Board to notify the secretary of the county election
17 board of the death of a nursing facility resident who is a
18 registered voter. The administrator's signature on such form shall
19 ~~either~~ be witnessed by a member of the nursing home absentee voting
20 board ~~or~~, shall be notarized or shall be witnessed by two persons
21 whose signatures and addresses shall appear on the form. A funeral
22 director, as defined in Section 396.2 of Title 59 of the Oklahoma
23 Statutes, may execute a form prescribed by the Secretary of the
24 State Election Board to notify the secretary of the county election

1 board of the death of a resident of the county. The funeral
2 director's signature on such form either shall be notarized or shall
3 be witnessed by two persons whose signatures and addresses shall
4 appear on the form. Upon receipt of such form or any notice setting
5 forth substantially the same facts and witnessed or notarized as
6 provided in this section, the secretary of the county election board
7 shall be authorized to cancel the voter registration of such
8 deceased person.

9 SECTION 11. AMENDATORY 26 O.S. 2001, Section 6-102.1, is
10 amended to read as follows:

11 Section 6-102.1 As used in this title, the following
12 definitions shall apply to counties using voting devices:

13 1. "Ballot card" means a ~~card~~ printed paper document upon which
14 votes may be marked;

15 2. "Ballot" means a category of offices or measures, one or
16 more of which can appear on a ballot card;

17 3. "Count" means the process by which votes marked on a ballot
18 card are examined manually or electronically by a voting device and
19 a determination is made as to whom or for what the votes are cast;

20 4. "Election results storage medium" means the apparatus which
21 contains electronic instructions for a voting device and in which
22 electronic results are stored;

23 5. "Results" means the manual or electronic tabulation of the
24 votes counted for a candidate or issue;

1 ~~5.~~ 6. "Seal" means a device or devices prescribed by the
2 Secretary of the State Election Board to permit detection of opening
3 or tampering with contents of voting devices, ballot boxes, transfer
4 cases and ~~vote data packs~~ election results storage media;

5 ~~6.~~ 7. "Transfer case" means a container, prescribed by the
6 Secretary of the State Election Board, which can be closed and
7 sealed and is constructed so as to, when sealed, prevent accidental
8 opening or opening by any other reasonable means, except by
9 removing, breaking, tearing or otherwise damaging the seal so if
10 opened by any means it would be obvious in the normal situation that
11 the container had been subject to tampering;

12 ~~7.~~ "~~Vote data pack~~" means ~~the apparatus which contains~~
13 ~~electronic instructions for a voting device and in which electronic~~
14 ~~results are stored~~; and

15 8. "Voting device" means an optical scanning apparatus that
16 electronically counts votes marked on ballot cards and produces
17 printed results.

18 SECTION 12. AMENDATORY 26 O.S. 2001, Section 6-106, is
19 amended to read as follows:

20 Section 6-106. The official ballot card for the General
21 Election shall be printed so that the nominees of the various
22 political parties and nonpartisan candidates will appear in ~~columns~~
23 order as determined according to this section. For each ballot for
24 which there are partisan candidates, the candidates of the

1 recognized parties shall be printed ~~in the first position~~ in lot
2 order followed by candidates of unrecognized parties in lot order
3 followed by independent candidates in lot order. Candidates of
4 recognized and unrecognized parties shall be printed in the lot
5 order of their respective party. Each political party shall have
6 the right to select an emblem to be used in designating its
7 candidates on the ballot; provided, however, that no party shall be
8 allowed to use the coat of arms or seal of Oklahoma or of the United
9 States, or the respective flags thereof. Until changed by
10 resolution of a political party, in state convention, the emblem of
11 the Democratic party shall be a rooster and that of the Republican
12 party an eagle. Change in a party emblem shall be authorized by the
13 Secretary of the State Election Board only after receipt of written
14 notice of ~~said~~ the change by ~~said~~ the Secretary from the state
15 central committee of a party. At the top of each ballot on which
16 there are partisan candidates shall appear the name of each
17 recognized party with the emblem of ~~said~~ the party in lot order as
18 prescribed by the Secretary of the State Election Board. Below ~~said~~
19 the name and emblems shall be a line extending across the entire
20 ballot. The name of the office entitled to the first place ~~in the~~
21 ~~column~~, preceded by the word "for," ", shall appear in bold type, as
22 "For Governor". Immediately after same shall be the names of the
23 nominees for such office printed with the name of the nominee's
24 party followed by candidates who file as Independents for such

1 office printed with the word "Independent". The list shall be
2 continued ~~down each column~~, naming the officers in the order in
3 which they are set out by the Constitution and statutes, until all
4 the nominees are given space. The ~~columns~~ ballots shall be ~~set off~~
5 set off with well-defined lines or by other means as prescribed by
6 the Secretary of the State Election Board.

7 SECTION 13. AMENDATORY 26 O.S. 2001, Section 6-111, is
8 amended to read as follows:

9 Section 6-111. All ballots for Primary, Runoff Primary and
10 General Elections shall be printed with a stub so perforated that
11 the ballot may be easily detached ~~therefrom~~ from the stub. Upon the
12 stub shall be printed the number of the stub and the words, "Primary
13 Election Ballot", "Runoff Primary Election Ballot" or "General
14 Election Ballot", as the case may be; in the event of Primary and
15 Runoff Primary Elections, the name of the political party shall be
16 printed above ~~said~~ the words.

17 SECTION 14. AMENDATORY 26 O.S. 2001, Section 7-107, is
18 amended to read as follows:

19 Section 7-107. When all else is in readiness for the opening of
20 the polls, the inspector shall, in view of the judge, clerk and any
21 registered voters at the polling place, confirm that the ballot box
22 is empty and locked and shall cause the voting device to print out a
23 paper tape to verify that no votes have been counted. This tape
24 shall remain attached to the voting device and in evidence

1 throughout the voting process. The key or other device used for
2 obtaining printed totals shall be retained by the inspector.

3 SECTION 15. AMENDATORY 26 O.S. 2001, Section 7-120, is
4 amended to read as follows:

5 Section 7-120. Before leaving the voting booth, the voter may
6 insert ~~his~~ the ballot card into a secrecy ~~envelope~~ folder in such a
7 manner that ~~his~~ the voter's votes cannot be seen. The voter then
8 shall insert ~~his~~ the ballot card in the voting device. The voter
9 thereupon shall immediately leave the polling place.

10 SECTION 16. AMENDATORY 26 O.S. 2001, Section 7-127, is
11 amended to read as follows:

12 Section 7-127. The following rules shall govern the counting
13 and recounting of votes:

14 1. If the name of any person is written on a ballot, ~~said the~~ the
15 name shall not be counted;

16 2. ~~Any~~ A valid vote shall be any mark prescribed by the
17 Secretary of the State Election Board made by voters indicating the
18 voter's choice of party, candidate or issue on a ballot ~~shall be~~
19 ~~valid~~. Such marking shall be hereinafter referred to as "valid
20 markings". Such valid markings located otherwise on the ballot
21 shall not be counted;

22 3. Marks used to designate the intention of the voter, other
23 than those herein defined as valid markings, shall not be counted;

24

1 4. Failure to properly mark a ballot as to one or more
2 candidates or questions shall not of itself invalidate the entire
3 ballot if the same has been properly marked as to other candidates
4 or questions;

5 5. A valid marking marked for a political party shall be
6 counted as a vote for each of ~~said~~ the political party's candidates
7 on that ballot, except that a valid marking marked for a candidate's
8 name shall take precedence, for that office, over a valid marking
9 for a political party. Provided, further, that if valid markings
10 are marked for more than one political party on a ballot, ~~said~~ the
11 ballot shall not be counted for any party offices thereon; and

12 6. Any ballot or part of a ballot on which it is impossible to
13 determine the voter's choice of candidate shall be void as to the
14 candidate or candidates thereby affected.

15 SECTION 17. AMENDATORY 26 O.S. 2001, Section 7-130, as
16 amended by Section 7, Chapter 307, O.S.L. 2004 (26 O.S. Supp. 2009,
17 Section 7-130), is amended to read as follows:

18 Section 7-130. Any candidate or any recognized political party
19 shall be entitled to have a watcher present at any place where an
20 official count is being conducted. Such watcher must be
21 commissioned in writing by the candidate, or by the chair of the
22 recognized political party of the county in which the watcher is
23 being authorized. Such commission must be filed with the secretary
24 of the appropriate county election board no later than 5:00 p.m. on

1 Wednesday preceding the election. Watchers must subscribe to an
2 oath to observe all laws and rules prescribed for watchers as
3 hereinafter provided. Such oath must be administered by the
4 inspector of the precinct in which the watcher is authorized.
5 Watchers shall be entitled to observe the voting device both before
6 the polls are opened and after the polls are closed; provided,
7 further, that such watchers shall not be present at the polling
8 place at other times. Watchers may be commissioned to observe
9 voting device testing and to accompany personnel assigned to repair
10 or maintain machines during the period of the election. In such
11 case, the watchers shall be limited to observing the repair or
12 maintenance work being performed and making a written record of such
13 work. Any watcher who violates the law prescribed for watchers
14 shall be deemed guilty of a misdemeanor. ~~Each absentee ballot shall~~
15 ~~state clearly that it is illegal to charge a fee for the use of a~~
16 ~~notary public for certifying an absentee ballot.~~

17 SECTION 18. AMENDATORY 26 O.S. 2001, Section 7-132, is
18 amended to read as follows:

19 Section 7-132. After the last voter has voted, the inspector
20 shall insert the key or other device in the voting device and obtain
21 ~~a number, prescribed by the Secretary of the State Election Board,~~
22 ~~of printouts of results from the vote data pack~~ election results
23 storage medium. The Secretary of the State Election Board shall
24 prescribe the number of such printouts to be obtained. The

1 inspector, judge and clerk shall each sign all printouts which shall
2 be certificates that the results of the precinct are true and
3 correct. The printed certificate of vote and electronic results of
4 the ~~vote data pack~~ election results storage medium shall be official
5 results of the precinct. The inspector shall cause one copy of each
6 certificate to be posted on the door or entrance of the polling
7 place and shall cause one copy of each certificate to be transmitted
8 forthwith to the Secretary of the State Election Board.

9 SECTION 19. AMENDATORY 26 O.S. 2001, Section 7-132.2, is
10 amended to read as follows:

11 Section 7-132.2 ~~In counties using voting devices, after vote~~
12 ~~data pack~~ After the results have been printed from the election
13 results storage medium, the voting device shall be unlocked and the
14 seal removed from the ~~vote data pack~~ election results storage medium
15 compartment. The ~~vote data pack~~ election results storage medium
16 shall be removed and prepared for transfer to the county election
17 board as prescribed by the Secretary of the State Election Board.

18 SECTION 20. AMENDATORY 26 O.S. 2001, Section 14-107, is
19 amended to read as follows:

20 Section 14-107. ~~Said~~ Absentee ballots must be accompanied by:

- 21 1. A plain opaque envelope in which voted ballots must be
22 placed by the voter;
- 23 2. An envelope bearing an affidavit stating that the voter is
24 qualified to vote, that ~~he~~ the voter has personally marked the

1 ballots, and has not exhibited the marked ballots to any other
2 person; ~~and~~

3 3. A return envelope addressed to the secretary of the county
4 election board; and

5 4. A notice that it is illegal for a Notary Public in this
6 state to charge a fee to notarize an official absentee ballot
7 affidavit.

8 SECTION 21. AMENDATORY 49 O.S. 2001, Section 5, as last
9 amended by Section 2, Chapter 101, O.S.L. 2004 (49 O.S. Supp. 2009,
10 Section 5), is amended to read as follows:

11 Section 5. Every notary shall obtain a notarial seal containing
12 the words "State of Oklahoma" and "Notary Public" and the notary's
13 name. This seal may be either a metal seal which leaves an embossed
14 impression or a rubber stamp used in conjunction with a stamp pad
15 and ink. Each notary shall authenticate all official acts,
16 attestations, and instruments with this seal; and shall add to the
17 notary's official signature, the commission number of the notary and
18 the date of expiration of the commission of the notary. Failure to
19 add the commission number or the date of expiration of the
20 commission shall not affect the recordability of the instrument or
21 the notice given by such recording. This date and commission number
22 may be a part of the stamp or seal. If any notary public shall
23 neglect or refuse to attach to the notary's official signature the
24 date of expiration of the notary's commission, the notary shall be

1 deemed guilty of a misdemeanor, and upon conviction thereof shall be
2 fined in any sum not exceeding Fifty Dollars (\$50.00). The maximum
3 fee a notary may charge and collect for each notarial act is Five
4 Dollars (\$5.00), except no fee shall be charged for the notarization
5 of an official absentee ballot affidavit.

6 SECTION 22. REPEALER 26 O.S. 2001, Sections 7-125, 7-
7 132.1 and 7-133.1, are hereby repealed.

8 SECTION 23. This act shall become effective January 1, 2011."

9 Passed the House of Representatives the 14th day of April, 2010.

10

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12

Presiding Officer of the House of
Representatives

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14

Passed the Senate the ____ day of _____, 2010.

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Presiding Officer of the Senate

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