

1 ENGROSSED HOUSE AMENDMENT
TO
2 ENGROSSED SENATE BILL NO. 718

By: Barrington and Gumm of
the Senate

3
4 and

Holland of the House
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8 An Act relating to elections; amending 26 O.S. 2001,
9 Section 1-105, which relates to substitute
10 candidates; modifying procedure for selection of
11 substitute candidate upon death of nominee for
12 legislative office;* * * amending 49 O.S. 2001,
13 Section 5, as last amended by Section 2, Chapter 101,
14 O.S.L. 2004 (49 O.S. Supp. 2008, Section 5), which
15 relates to notaries public; prohibiting charging of
16 fee for notarization of official absentee ballot
17 affidavit; and declaring an emergency.

18 AMENDMENT NO. 1. Strike the title, enacting clause and entire bill
19 and insert

20 "An Act relating to elections; amending 26 O.S. 2001,
21 Section 1-105, which relates to substitute
22 candidates; modifying time period for selection of
23 substitute candidate upon death of nominee;
24 clarifying language; amending 26 O.S. 2001, Sections
14-107 and 14-121, as last amended by Section 23,
Chapter 545, O.S.L. 2004 (26 O.S. Supp. 2008,
Section 14-121), which relate to absentee ballots
and provisional ballots for certain persons;
requiring certain notice to accompany absentee
ballot; modifying time period in which return of
certain persons from overseas entitles such persons
to vote provisional ballots at subsequent election;
amending 49 O.S. 2001, Section 5, as last amended by
Section 2, Chapter 101, O.S.L. 2004 (49 O.S. Supp.

1 2008, Section 5), which relates to notaries public;
2 prohibiting charging of fee for notarization of
3 official absentee ballot affidavit; and declaring an
4 emergency.

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

6 SECTION 1. AMENDATORY 26 O.S. 2001, Section 1-105, is
7 amended to read as follows:

8 Section 1-105. A. In the event of the death of a political
9 party's nominee for office prior to the date of the General
10 Election, the name of a substitute candidate will be ~~permitted to~~
11 ~~have his name~~ placed on the General Election ballot as follows:

12 1. If the deceased nominee was a candidate for county office,
13 the political party's central committee of ~~said~~ the county shall
14 notify the secretary of the county election board of the name of an
15 alternative candidate to be placed on the General Election ballot.
16 Such notice shall be submitted in writing, within ~~five (5)~~ fifteen
17 (15) days after ~~said~~ the death has occurred and shall be signed by
18 at least two duly authorized members of the political party's county
19 central committee; and

20 2. If the deceased nominee was a candidate who filed ~~his~~ a
21 Declaration of Candidacy with the State Election Board, the state
22 central committee of the party affected shall notify the Secretary
23 of the State Election Board of the name of an alternative candidate
24 to be placed on the General Election ballot. Such notice shall be

1 submitted in writing, within ~~five (5)~~ fifteen (15) days after ~~said~~
2 the death has occurred and shall be signed by at least two duly
3 authorized members of the political party's state central committee.

4 ~~3-~~ B. If ~~said~~ the death of a candidate should occur five (5) or
5 more days ~~or more~~ following the Runoff Primary Election date, a
6 special General Election shall be called by the Governor and shall
7 be conducted according to the laws governing such elections, Section
8 12-101 et seq. of this title, except that there shall be no filing
9 period or special Primary Election and the candidates in the special
10 General Election shall be the substitute candidate named by the
11 central committee and the nominee of other political parties elected
12 in the Primary or Runoff Primary, and any previously filed
13 independent candidates.

14 ~~B-~~ C. In the event of the death of a candidate who was
15 unopposed for election, a Special Election shall be called by the
16 Governor. ~~Said Special Election~~ and shall be conducted according to
17 the laws governing such elections, Section 12-101 et seq. of this
18 title.

19 SECTION 2. AMENDATORY 26 O.S. 2001, Section 14-107, is
20 amended to read as follows:

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

22 1. A plain opaque envelope in which voted ballots must be
23 placed by the voter;

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1 2. An envelope bearing an affidavit stating that the voter is
2 qualified to vote, that ~~he~~ the voter has personally marked the
3 ballots, and has not exhibited the marked ballots to any other
4 person; ~~and~~

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

7 4. A notice that it is illegal for a notary public in this
8 state to charge a fee to notarize an official absentee ballot
9 affidavit.

10 SECTION 3. AMENDATORY 26 O.S. 2001, Section 14-121, as
11 last amended by Section 23, Chapter 545, O.S.L. 2004 (26 O.S. Supp.
12 2008, Section 14-121), is amended to read as follows:

13 Section 14-121. Any person eligible to register, who has been
14 honorably discharged or is on officially authorized leave from the
15 Uniformed Services of the United States, or who has been terminated
16 in such service or employment overseas, or who is the spouse or
17 dependent of a person who has been honorably discharged, is on
18 authorized leave from the Uniformed Services of the United States or
19 who has been terminated in such service or employment overseas, and
20 returned home ~~too late to register at the time when, and at the~~
21 ~~place where, registration is required, to vote at the next ensuing~~
22 ~~election~~ within ninety (90) days preceding an election, shall be
23 entitled to vote a provisional ballot at such election in the
24 precinct for which the person is a qualified elector without being

1 registered. Such person shall be entitled to cast the provisional
2 ballot and to have the provisional ballot counted upon completion of
3 an affidavit as required by Section & 7-116.1 of this ~~act~~ title.

4 SECTION 4. AMENDATORY 49 O.S. 2001, Section 5, as last
5 amended by Section 2, Chapter 101, O.S.L. 2004 (49 O.S. Supp. 2008,
6 Section 5), is amended to read as follows:

7 Section 5. Every notary shall obtain a notarial seal containing
8 the words "State of Oklahoma" and "Notary Public" and the notary's
9 name. This seal may be either a metal seal which leaves an embossed
10 impression or a rubber stamp used in conjunction with a stamp pad
11 and ink. Each notary shall authenticate all official acts,
12 attestations, and instruments with this seal; and shall add to the
13 notary's official signature, the commission number of the notary and
14 the date of expiration of the commission of the notary. Failure to
15 add the commission number or the date of expiration of the
16 commission shall not affect the recordability of the instrument or
17 the notice given by such recording. This date and commission number
18 may be a part of the stamp or seal. If any notary public shall
19 neglect or refuse to attach to the notary's official signature the
20 date of expiration of the notary's commission, the notary shall be
21 deemed guilty of a misdemeanor, and upon conviction thereof shall be
22 fined in any sum not exceeding Fifty Dollars (\$50.00). The maximum
23 fee a notary may charge and collect for each notarial act is Five

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1 Dollars (\$5.00); provided, no fee shall be charged for the
2 notarization of an official absentee ballot affidavit.

3 SECTION 5. It being immediately necessary for the preservation
4 of the public peace, health and safety, an emergency is hereby
5 declared to exist, by reason whereof this act shall take effect and
6 be in full force from and after its passage and approval."

7 Passed the House of Representatives the 1st day of April, 2009.

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10 Presiding Officer of the House of
11 Representatives

12 Passed the Senate the ____ day of _____, 2009.

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15 Presiding Officer of the Senate

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