

**SENATE CHAMBER**

**STATE OF OKLAHOMA**

DISPOSITION BY SENATE

**FLOOR AMENDMENT**

No. \_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

(Date)

Mr./Madame President:

I move to amend Senate Bill No. 718, by striking the title, enacting clause and entire body of the bill and substituting the attached floor substitute.

Submitted by:

\_\_\_\_\_  
Senator Don Barrington

Barrington-FA-CD-SB718  
3/3/2009 5:23 PM

1 STATE OF OKLAHOMA

2  
3 1st Session of the 52nd Legislature (2009)

4  
5 FLOOR SUBSTITUTE  
6 FOR  
7 SENATE BILL NO. 718

8 By: Barrington of the Senate

9 and

10  
11 Holland of the House

12  
13  
14  
15 FLOOR SUBSTITUTE

16  
17 An Act relating to elections; amending 26 O.S. 2001, Sections 2-118, as last  
18 amended by Section 1, Chapter 83, 2nd Extraordinary Session, O.S.L. 2006,  
19 7-130, as amended by Section 7, Chapter 307, O.S.L. 2004, 14-107 and 14-  
20 121, as last amended by Section 23, Chapter 545, O.S.L. 2004 (26 O.S. Supp.  
21 2008, Sections 2-118, 7-130 and 14-121), which relate to county election  
22 board secretaries, conduct of elections, declarations of candidacy, absentee  
23 ballots and voter registration; providing that certain compensation be  
24 considered minimum; providing that certain provisions not preclude  
25 additional compensation from certain sources; deleting obsolete language;  
26 deleting provision relating to charges for certification of absentee ballot;  
27 requiring certain notice to accompany absentee ballot; modifying time period  
28 in which return of certain persons from overseas entitles such persons to vote  
29 provisional ballots at subsequent election; amending 49 O.S. 2001, Section 5,  
30 as last amended by Section 2, Chapter 101, O.S.L. 2004 (49 O.S. Supp. 2008,  
31 Section 5), which relates to notaries public; prohibiting charging of fee for  
32 notarization of official absentee ballot affidavit; and declaring an emergency.

33  
34  
35  
36  
37 BE IT ENACTED BY THE PEOPLE OF THE STATE OF OKLAHOMA:

38 SECTION 1. AMENDATORY 26 O.S. 2001, Section 2-118, as last amended by Section  
39 1, Chapter 83, 2nd Extraordinary Session, O.S.L. 2006 (26 O.S. Supp. 2008, Section 2-118), is  
40 amended to read as follows:

41 Section 2-118. A. The secretary of each county election board shall be paid ~~at~~ a minimum  
42 annual salary to be determined by the ~~following~~ schedule specified in subsection B of this section.

43 ~~However, the salary of a county election board secretary shall not fall below the level of the April~~

1 ~~30, 2003, salary, and~~ the salary of any person who is reappointed to the position of county election  
 2 board secretary shall not fall below the salary received in the immediately preceding term, regardless  
 3 of the number of active registered voters in the county. ~~A county election board secretary serving on~~  
 4 ~~April 30, 2004, shall not receive a salary increase if said secretary is paid an amount greater than the~~  
 5 ~~salary indicated in this section according to the number of registered voters in said county.~~ A county  
 6 election board secretary shall not receive a salary increase while the county is under the  
 7 administrative supervision of the State Election Board.

8 ~~1. Beginning May 1, 2003 and ending April 30, 2007, the annual salary, payable monthly~~  
 9 ~~shall be:~~

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

19 ~~2. Beginning May 1, 2007, the~~

20 ~~B. The minimum annual salary, payable monthly, shall be:~~

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

1	25,001 to 50,000	\$37,639.29
2	50,001 to 75,000	\$47,433.39
3	75,001 to 150,000	\$53,141.82
4	150,001 or more	\$58,845.15

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

14 D. The provisions of this section shall not preclude a county from providing compensation  
15 from county funds for the secretary of the county election board in addition to the minimum salary  
16 provided by this section; provided, any such additional compensation shall not be reimbursed by the  
17 State Election Board.

18 SECTION 2. AMENDATORY 26 O.S. 2001, Section 7-130, as amended by Section 7,  
19 Chapter 307, O.S.L. 2004 (26 O.S. Supp. 2008, Section 7-130), is amended to read as follows:

20 Section 7-130. Any candidate or any recognized political party shall be entitled to have a  
21 watcher present at any place where an official count is being conducted. Such watcher must be  
22 commissioned in writing by the candidate, or by the chair of the recognized political party of the  
23 county in which the watcher is 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 Wednesday preceding the  
25 election. Watchers must subscribe to an oath to observe all laws and rules prescribed for watchers as

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

10 SECTION 3. AMENDATORY 26 O.S. 2001, Section 14-107, is amended to read as  
11 follows:

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

- 13 1. A plain opaque envelope in which voted ballots must be placed by the voter;
- 14 2. An envelope bearing an affidavit stating that the voter is qualified to vote, that ~~he~~ the voter  
15 has personally marked the ballots, and has not exhibited the marked ballots to any other person; ~~and~~
- 16 3. A return envelope addressed to the secretary of the county election board; and
- 17 4. A notice that it is illegal for a notary public in this state to charge a fee to notarize an  
18 official absentee ballot affidavit.

19 SECTION 4. AMENDATORY 26 O.S. 2001, Section 14-121, as last amended by Section  
20 23, Chapter 545, O.S.L. 2004 (26 O.S. Supp. 2008, Section 14-121), is amended to read as follows:

21 Section 14-121. Any person eligible to register, who has been honorably discharged or is on  
22 officially authorized leave from the Uniformed Services of the United States, or who has been  
23 terminated in such service or employment overseas, or who is the spouse or dependent of a person  
24 who has been honorably discharged, is on authorized leave from the Uniformed Services of the  
25 United States or who has been terminated in such service or employment overseas, and returned

1 home ~~too late to register at the time when, and at the place where, registration is required, to vote at~~  
2 ~~the next ensuing election~~ within ninety (90) days preceding an election, shall be entitled to vote a  
3 provisional ballot at such election in the precinct for which the person is a qualified elector without  
4 being registered. Such person shall be entitled to cast the provisional ballot and to have the  
5 provisional ballot counted upon completion of an affidavit as required by Section 8 7-116.1 of this  
6 ~~act~~ title.

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

9 Section 5. Every notary shall obtain a notarial seal containing the words “State of Oklahoma”  
10 and “Notary Public” and the notary’s name. This seal may be either a metal seal which leaves an  
11 embossed impression or a rubber stamp used in conjunction with a stamp pad and ink. Each notary  
12 shall authenticate all official acts, attestations, and instruments with this seal; and shall add to the  
13 notary’s official signature, the commission number of the notary and the date of expiration of the  
14 commission of the notary. Failure to add the commission number or the date of expiration of the  
15 commission shall not affect the recordability of the instrument or the notice given by such recording.  
16 This date and commission number may be a part of the stamp or seal. If any notary public shall  
17 neglect or refuse to attach to the notary’s official signature the date of expiration of the notary’s  
18 commission, the notary shall be deemed guilty of a misdemeanor, and upon conviction thereof shall  
19 be fined in any sum not exceeding Fifty Dollars (\$50.00). The maximum fee a notary may charge  
20 and collect for each notarial act is Five Dollars (\$5.00); provided, no fee shall be charged for the  
21 notarization of an official absentee ballot affidavit.

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

25

1 52-1-1738 CD 3/3/2009 5:23:04 PM

2 [Insert attachment here]