

THE HOUSE OF REPRESENTATIVES  
Monday, February 9, 2009

## House Bill No. 1037

HOUSE BILL NO. 1037 - By: TIBBS of the House.

An Act relating to elections; amending 26 O.S. 2001, Sections 7-114 and 14-115.4, as last amended by Section 8, Chapter 307, O.S.L. 2004 (26 O.S. Supp. 2008, Section 14-115.4), which relate to voting; requiring presentment of proof of identity when voting; providing for proof of identity; allowing persons without proof of identity to vote and providing procedure therefor; providing penalty for false statements; and providing an effective date.

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

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

3 Section 7-114. A. Each person presenting himself arriving to vote shall announce  
4 his the person's name to the judge of the precinct and shall provide proof of identity to  
5 the judge, whereupon the judge shall determine whether said the person's name is in the  
6 precinct registry. A document containing a photograph of the voter, issued by the state,  
7 the federal government, a county, a municipality, or a federally recognized Indian tribe  
8 may be used to show proof of identity.

9 B. 1. If a person is unable to produce any of the items of identification provided for  
10 in subsection A of this section, the person may sign a statement under oath, in a form  
11 approved by the Secretary of the State Election Board, swearing or affirming that the  
12 person is the person identified on the precinct registry, and shall be allowed to vote.

1           2. False swearing or affirming under oath shall be punishable as a felony, and the  
2 penalty shall be distinctly set forth on the face of the statement.

3           3. Any vote cast pursuant to this subsection shall be deposited in an envelope  
4 designated for such purpose and shall be stored in accordance with procedures  
5 established by the Secretary of the State Election Board.

6           SECTION 2. AMENDATORY 26 O.S. 2001, Section 14-115.4, as last amended  
7 by Section 8, Chapter 307, O.S.L. 2004 (26 O.S. Supp. 2008, Section 14-115.4), is  
8 amended to read as follows:

9           Section 14-115.4 A. A registered voter may apply for an in-person absentee ballot  
10 at a location designated by the secretary of the county election board from 8 a.m. to 6  
11 p.m. on Friday and Monday immediately preceding any election and from 8 a.m. to 1 p.m.  
12 on Saturday immediately preceding a state or federal election. As part of the application  
13 for an in-person absentee ballot such registered voter shall swear or affirm that the voter  
14 has not voted a regular mail absentee ballot and that the voter will not vote at the  
15 regular polling place in the election for which the in-person absentee ballot is requested.  
16 The voter also shall provide proof of identity, as provided in subsection A of Section 7-114  
17 of this title. If the person is unable to produce proof of identity, the person shall be  
18 allowed to vote pursuant to subsection B of Section 7-114 of this title. Any person falsely  
19 swearing or affirming such statement shall be subject to the penalty provided in  
20 subsection B of Section 7-114 of this title.

21           B. One or more absentee voting boards shall be on duty from 8 a.m. to 6 p.m. at the  
22 in-person absentee polling place on Friday and Monday immediately preceding any

1 election and from 8 a.m. to 1 p.m. on Saturday immediately preceding a state or federal  
2 election. If the secretary of a county election board receives an application from a  
3 registered voter requesting to vote by in-person absentee ballot the secretary shall cause  
4 to be implemented the following procedures:

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

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

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

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

20 5. When the in-person polling place is closed on each day of in-person absentee  
21 voting the in-person absentee voting board shall, without obtaining a printout of results,  
22 remove the vote data pack from the voting device and seal ballots counted that day in a

1 transfer case which shall be secured by the sheriff of the county in the same manner as  
2 provided in Section 8-110 of this title. The vote data pack shall be sealed in a container  
3 prescribed by the Secretary of the State Election Board. The sheriff shall secure the  
4 sealed vote data pack container and return it to the in-person absentee voting board no  
5 later than 7:45 a.m. on the next day of in-person absentee voting or to the secretary of  
6 the county election 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 voting shall be used by  
9 the county election board to count absentee ballots on election day as provided in Section  
10 14-125 of this title; and

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

15 SECTION 3. This act shall become effective November 1, 2009.

16 COMMITTEE REPORT BY: COMMITTEE ON RULES, dated 02-05-09 - DO PASS.

UNDERLINED language denotes Amendments to present Statutes.  
**BOLD FACE CAPITALIZED** language denotes Committee Amendments.  
~~Strike thru~~ language denotes deletion from present Statutes.